

EMR1405

Filed with LRB: February 25, 2014

Publication date: March 7, 2014

Effective dates: March 7, 2014 through June 30, 2015

**ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES BOARD REPEALING, AMENDING,
REPEALING AND RECREATING, AND CREATING RULES**

This emergency rule was approved by the Governor on February 10, 2014

The statement of scope for this rule, SS 098-13, was approved by the Governor on July 23, 2013, published in Register No. 692, on August 14, 2013, and approved by the Natural Resources Board on September 25, 2013.

The Wisconsin Natural Resources Board proposes an order to repeal Ch. NR, 10.01 (3) (ed), (es) 3., and (et), 10.07 (3), 10.09 (2), 10.28 (3), 45.09 (9), to amend NR 1.15 (1) (a), (b), and (c) 1., 1.15 (2) (a) (intro.) and (at), 1.15 (3), 10.001 (2e) and (6p), 10.001 (19e), 10.01 (3) (es) 1. and 2., 10.01 (3) (ev), 10.02 (3), 10.06 (8) (b) and (note), 10.07 (2m) (b) 1., 10.102 (1) (e) 4., 10.105 (1), (2), (4) and (7), 10.106 (Intro) and (1), 12.06 (1), (2) and (4), 12.16 (4), 13.38 (2) (b) and (Note) and 19.60 (2) (b) 1., to repeal and recreate NR 1.15 (2) (a) 8., 10.01 (3) (e) and (em), 10.104, 10.106 (2), 10.28 (1) and (2), 10.28 (4), 10.41, and to create NR 10 (Title.), 10.001(1k), 10.001 (23a) and (b), 10.01 (2) (b) (Note), 10.01 (4) (dm) (Note), and Subchapter II relating deer management, hunting, and implementation of the 2012 White-tailed Deer Trustee Report.

WM-24-13(E)

Analysis Prepared by the Department of Natural Resources

Statutory Authority and Explanation of Agency Authority: The grant of statutory authority to promulgate an order implementing the 2012 final deer management report as an emergency rule is found in a non-statutory provision, Section 9132, of 2013 ACT 20 which is the biennial state budget. The emergency rules process is established in s. 227.24, Stats.

Department authority to conduct a variety of habitat and wildlife management activities is established in ss. 23.09(2)(b), (d), (h), (k), (km), and (p), Stats. These sections authorize rulemaking related to deer and deer habitat management and: plans and priorities for conservation, game refuges, cooperative forest protection, research, resources inventory, and disease control. These sections authorize many existing provisions of Ch. NR's 1 (Natural Resources Board Policy), 11 (closed areas), 15 (game refuges), and 45 (use of department properties), Wis. Adm. Code.

The primary authority to establish hunting regulations for deer and other species is established in s. 29.014, Stats. This section directs the department to establish and maintain open and closed seasons, bag limits, size limits, rest days, and other conditions for the taking of game that conserves the game supply and provides citizens with good hunting opportunities. This section authorizes many of the existing

provisions of Ch. NR's 8 (license and permit procedures), 10 (game and hunting) and 19 (Miscellaneous Fur, Fish, Game and Outdoor Recreation), Wis. Adm. Code.

The wildlife damage and nuisance program and rulemaking authority are established in s. 29.889 (2) (b), Stats., which directs the department to establish rules for program eligibility and funding, methods of abating damage, forms and procedures, prorating claims, and record keeping, audits and inspections. This is the authorizing legislation for much of Ch. NR 12, Wis. Adm. Code, related to wildlife damage.

Rules related to Chippewa treaty rights (Ch. NR 13) are promulgated under general authority to establish hunting regulations in s. 29.014, Stats., and these rules are the department's interpretation of how laws must be interpreted or limited in order to comply with the general limitations on state regulatory authority expressed in *Lac Courte Oreilles v. State of Wisconsin*, 668 F. Supp. 1233 (W.D. Wis. 1987) and the specific limitations expressed in the regulatory phase of the *Voigt* litigation. (See e.g., *Lac Courte Oreilles v. State of Wisconsin*, 707 F. Supp. 1034 (W.D. Wis. 1989)).

Additional specific rule making authority was established by 2013 ACT 20, the biennial state budget. The deer management assistance program is created in s. 29.020, Stats., and the department is directed to promulgate rules and establish fees. In s. 29.040, Stats., the department is authorized to promulgate rules that implement recommendations of the 2012 deer trustee's report. Under s. 29.181 (4), Stats., the department is authorized to establish by rule the fee for a bonus deer hunting permit that is issued for use in a county or deer management area where CWD has been identified.

Statutes Interpreted and Explanation: Statutes interpreted or explained in this rule order include ss. 23.09 (2), 29.014, 29.020, 29.040, 29.181 (4), 29.889 (2) (b), and 227.11, Stats. In particular, s. 29.014, Stats., grants rule making authority to the department to establish open and closed seasons for hunting and trapping and to establish other regulations. All rules promulgated under this authority are subject to review under Ch. 227, Stats.

Related Statute or Rule: Board Order WM-11-13 is the permanent rule companion to this emergency rule. This emergency rule shall remain in effect until June 30, 2015, or the date on which the permanent rule takes effect, whichever is sooner.

Board Order WM-04-13, related to remedial and housekeeping updates, and WM-21-13 related to hunting and trapping in state parks are currently being promulgated and may affect some of the same sections as this board order. Where possible, the department has chosen only one board order to make needed updates.

Plain Language Rule Analysis: Gubernatorial candidate Scott Walker made a promise to appoint a "Deer Trustee" to review white-tailed deer management programs and hunting in Wisconsin. In October of 2011 Dr. James C. Kroll, officially known as Wisconsin's white-tailed deer trustee, entered into a contract with the State of Wisconsin to conduct an independent, objective and scientifically-based review of Wisconsin's deer management practices. The White-tailed Deer Trustee's report was released to the public in July, 2012.

The objective of these proposed rules is to work with sportsmen and sportswomen and other stakeholders in order to implement ideas and solutions from the Deer Trustee's report to forge a new age for deer management.

SECTIONS 1 to 6 update Natural Resources Board policy so that the term "population objective" and "goal" are used consistently and for concise wording.

SECTION 7 creates introductory material that organizes the current contents of Ch. NR 10 as Subchapter 1 and prepares for the creation of another subchapter related to the deer management assistance program.

SECTION 8 creates a definition of “afield” for the purpose of establishing that a deer cannot be possessed by someone other than the person who tagged it if the person who tagged the deer is not also present with the deer while afield, similar to current rules.

SECTION 9 updates the definition of “archery hunt” and the associated cross-reference to the laws which establish the archery licenses so that it continues to be accurate following the enactment of statutes related to hunting with crossbows.

SECTIONS 10, 11, 25, 34, 36, 38 and 41 establish that CWD management zones will be identified as CWD-affected areas and are based on counties, consistent with proposed deer management unit boundaries.

SECTIONS 12 AND 13 establish definitions of private and public land so that bonus deer hunting permits can be issued as valid only for use on land not open to public hunting or as valid only for use on lands which are open to public hunting, but not valid on both types of land. Lands which are privately owned but open to public hunting under the managed forest law program are public lands for purposes of this provision.

SECTIONS 14, 22 and 28 update cross references related to sharp-tailed grouse, fisher, and bear management zones or subzones so that the deer management unit map in effect in 2013 continues to be the one cross referenced.

SECTIONS 15 to 21 of this proposal establish the deer hunting season dates for gun, archery, muzzleloader, and deer hunting by youth hunters. The standard deer hunting season framework established in these sections is:

Bow & Arrow/Archery	Saturday nearest September 15 and continuing through the Sunday nearest January 6.
Youth	Two consecutive days beginning on the Saturday nearest October 8.
October antlerless-only firearm (<i>occurs only in those units or subunits where CWD or other disease has been found, and only after promulgation of emergency rules pursuant to s. 29.016(2), Stats.</i>)	Four consecutive days beginning on a Thursday and ending on the Sunday nearest, but not later than October 15 th .
Traditional 9-day November firearm deer season	Saturday before Thanksgiving Day Holiday and continuing for 9 days.
Muzzleloader only	Beginning on the day after the traditional November firearm deer season and continuing for 10 days.
December 4-day antlerless season (in central forest and central farmland zone counties only)	Beginning on the second Thursday following the Thanksgiving Day holiday.
Holiday antlerless firearm deer season (in southern farmland zone counties)	Beginning on December 24 and continuing through January 1.

Noteworthy changes to current rule are that there is no longer a 4-day December antlerless-only, any-firearm-type deer season in the northern forest or southern farmland zones. This section establishes that a

season commonly referred to as the December holiday hunt will now begin on December 24 and continue through January 1 and it will be antlerless only. The holiday hunt will be held in all areas of the former CWD management zone and the entire portion of counties which had previously been partially located in the CWD management zone. The department could extend the holiday season to additional counties and this would normally happen after a recommendation by the counties deer management advisory committee. This section eliminates references to state park hunting seasons which are no longer needed because state statute has established that deer hunting is generally allowed in state parks. This section retains language which establishes the seasons for certain state parks when it is still needed because the existing seasons are different than the general statewide seasons. Muzzleloader only seasons are an example of the type season variations that have existed at some state parks. Finally, this section eliminates state park deer management unit designations and limited entry state park deer hunts.

These sections establish a general bag limit of one buck during firearm deer seasons and one buck during the archery seasons, plus additional antlerless deer where permits are available.

Finally, these sections make a number of remedial changes for consistency with state statute related to the elimination of earn-a-buck regulations for the first buck harvested and establish that, when bonus buck regulations are in place, there is a maximum season limit of three between all license types.

SECTION 23 restores the protected status of white deer in a CWD affected area.

Section 24 maintains cross-references related to hunting hours for species that have no hunting hour restrictions except at times when a firearm deer season is open.

SECTION 26 repeals a cross-reference related to blaze orange requirements during deer seasons in CWD zones which is not necessary because blaze orange requirements are already established in statute.

SECTIONS 27 repeals a historic prohibition of the possession of firearms in the field on the day before the traditional 9-day firearm deer season.

SECTION 29 revises population goals so that they will be expressed as management objectives to increase, maintain, or decrease the deer population density in a management unit. Deer management units will generally be the same as counties with exceptions for metropolitan subunits and areas within the exterior boundaries of the Bad River, Lac Courte Oreilles, Lac du Flambeau, Menominee, and Red Cliff reservations. This section establishes county deer management committees which will be advisory to the department. This section also establishes antlerless permits and their allowable uses and methods of distribution. This section establishes a \$12.00 fee for bonus permits which are issued for a CWD-affected area and a \$6.00 fee for bonus permits issued under the deer management assistance program. Finally, this section establishes that one bonus buck may be harvested in the southern farmland zone or units with an objective to decrease or stabilize the deer population instead of just in a CWD affected area. The harvest of one antlerless deer is required before the harvest of a bonus buck and there is a limit of one bonus buck per year. Bonus buck regulations are in effect for the 2015 season except that hunters who earned buck authorization stickers in 2013 may use them in 2014.

SECTION 30 modifies the tagging procedures so that a deer possessed in the field must be accompanied by the person who tagged it, even if the deer has already been registered. Deer which have been registered may be possessed and transported on roadways or possessed at a home or established businesses (taxidermist, butcher shop, etc.) by someone other than the person who tagged it, consistent with current rules.

SECTION 31 establishes that a harvest registration confirmation number must be legibly printed on the carcass tag to show proof that a deer has been registered with the department under an electronic or telephone registration system. This section also maintains the current prohibition of processing a deer while in the field, except that it may be divided into as many as 5 parts to help with removing it from the field.

SECTION 32 modifies deer registration procedures to allow telephone or electronic recording of harvest. The ability to require in-person registration in areas is retained if the department determines that is necessary for research, collecting tissue samples, or during transition periods. Deer and bear harvest must be registered with the department by 5:00 p.m. of the day after the deer is taken into possession. Registration requirements will be the same statewide for both firearm and archer harvested deer. This section also clarifies that an antlerless deer may not be possessed in the field outside of the unit of harvest except on a public highway or at a dwelling or established business such as a butcher shop or taxidermist's place of business, and then only after first being registered. This is similar to current restrictions which prohibit transportation of a deer outside the unit of harvest prior to registration but is amended so the rule remains effective to enforce restrictions on illegal use of tags when electronic harvest registration is allowed.

SECTION 33 establishes deer management units which will generally be based on counties and establishes metropolitan deer management subunits and identifies tribal lands. This section preserves the current metropolitan deer management units. The note in this SECTION also maintains the deer management unit map that was in effect in 2013 because those boundaries continue to be used for other purposes such as the basis for the fisher management zone map.

Section 35 repeals the existing deer management regions map and replaces it with a comparable but simplified zone map that is more aligned along county boundaries. This map also identifies where certain antlerless tags can be used and to describe deer season frameworks.

SECTION 37 establishes the deer management assistance program to assist with specialized management of deer in localized areas and for specific purposes. This section establishes fees and other conditions for participation in the program.

SECTION 39 eliminates the prohibition on shooting deer under an agricultural deer damage shooting permit on the day before the traditional 9-day November firearm deer season.

SECTION 40 updates a cross-reference related to establishing the harvest quota for tribal members in the ceded territories.

SECTION 42 repeals the requirement to obtain a special permit before hunting deer in a state park in the CWD management zone.

Federal Regulatory Analysis: These state rules and statutes do not relieve individuals from the restrictions, requirements and conditions of federal statutes and regulations. Regulating the hunting and trapping of native species falls within the purview of state fish and wildlife agencies.

Comparison with rules in Adjacent States: All of Wisconsin's surrounding states use hunting seasons to provide hunting opportunities and to manage white-tailed deer herds. All of the surrounding states utilize a range of hunting seasons and allow the use of archery equipment, firearms and muzzleloading firearms at certain times. The seasons proposed in this rule order do not vary significantly from the hunting opportunities that are available in other states.

Illinois

The Illinois archery season runs from October 1, 2013 - January 19, 2014 except that it is closed during the firearm deer season in those portions of the state that hold a firearm deer season. Illinois has two periods for firearm deer hunting, a muzzleloader season, and special CWD and antlerless-only seasons. The first firearm season in 2013 is November 22 - 24 and the second season is December 5 - 8. The muzzleloader season is Dec. 13 - 15. The special CWD and antlerless-only seasons occur on December 26 - 29 and January 17 - 19, 2014. A youth firearm deer hunt is open on October 12 - 14. All firearm hunting permits are distributed first through a tiered drawing system where residents have a higher chance of being selected for a permit than non-residents, then through a random daily drawing, and finally they are offered over-the-counter on a first-come first-served basis until the unit's quota is reached. Hunters who are eligible to purchase a hunting permit receive an either-sex permit and one bonus antlerless-only permit. There is no limit on the number of resident archery licenses that will be issued, and each resident archery license includes an antlerless-only and an either sex permit. Non-resident archery licenses also include an either sex permit and an antlerless-only permit, but are allocated through a lottery system.

Iowa

In Iowa, there are two archery seasons, two muzzleloader seasons, and two shotgun seasons. There is also an antlerless-only season, a youth hunt for residents, and a holiday season for nonresidents. The archery season runs from October 1 – December 6 and December 23 – January 10, 2014. The muzzleloader seasons run from October 12 – 20 (residents only) and December 23 – January 10, 2014. The shotgun seasons run from December 7 – 11 and December 14 – 22. The antlerless-only season runs from January 11 – 19, 2014, the youth hunt runs from September 21 – October 6, and the holiday season runs from December 24 – January 2, 2014. When a hunter purchases an 'Any Deer License', they are entitled to harvest either a buck or an antlerless deer statewide. Hunters also have the option to purchase an 'Antlerless-only License' which is valid for a specific zone in the state. The number of antlerless licenses available in any particular zone is determined by a quota system, and hunters are able to purchase these licenses on a first-come first-served basis until the quota is reached.

Michigan

Michigan has one firearm season, two archery seasons, and one muzzleloader season, as well as two antlerless-only seasons and a youth hunt. The firearm season runs November 15 – 30. The archery seasons run October 1 – November 14 and December 1 – January 1, 2014. Michigan's muzzleloader-only season is split into three zones with each zone's season occurring in December and lasting for either 10 or 17 days. The antlerless-only seasons run from September 21-22 and December 23 – January 1, 2014 and the youth hunt occurs on Sept 21-22. Hunters interested in harvesting an antlerless deer must purchase an antlerless license that is valid within a specific DMU for use on either public land or private land. In some DMUs, these licenses may only be purchased over the counter, whereas in others there is an application process and drawing.

Minnesota

Minnesota has one archery season, one firearm season that is divided into four separate zones, and one muzzleloader season. There is also a special archery season on Camp Ripley (a military base) and a youth season. The archery season runs from September 14 – December 31. The firearm season runs November 9 – 17, November 23 – 24, or November 23 – December 1 depending on the zone. The muzzleloader season runs November 30 – December 15. The special archery hunt on Camp Ripley occurs on October 26 – 27 and November 2-3. The youth hunt runs from October 17 – 20. Antlerless permits are distributed through a license lottery in "lottery" areas of the state. In "Hunter Choice", "Managed", or "Intensive" areas licenses are either-sex. Bonus permits for antlerless deer are available over the counter for use in managed and intensive areas.

Summary of Factual Data and Analytical Methodologies: Implementation of the deer trustee's report will result in establishing a number of new policies for deer management and hunting management compared to current rules. The primary policy alternatives evaluated in development of these rules are ones recommended in the report. Throughout this rulemaking process, the department and its partners did evaluate other policy alternatives as they were identified.

The full report is located on the Wisconsin Department of Administration's website at: <http://www.doa.state.wi.us/section.asp?linkid=239&locid=0>

Revisions to Ch. NR 1 are minor and consist of an update to Natural Resources Board policy so that the term "population objective" and "goal" are used consistently throughout the board order and for concise wording. This rule order favors the term "objective" to describe the deer population level that management activities are designed to achieve. The terms "objective" and "goal" are very similar and "objective" is favored in this rulemaking because it was a recommendation of the trustee's report.

Chapter NR 10 establishes most of the deer population management policy and practices and hunting regulations that are in place today. Currently, Ch. NR 10 establishes the Sex-Age-Kill model for estimating deer populations, deer population goals, and deer management units. These rules repeal a requirement to use that specific population model. However, these rules do not prohibit the department from continuing to analyze deer populations using population models. The department will continue to use population models, such as the Sex-Age-Kill model, to develop population information. These rules will replace the current population goals by eliminating numeric goals and replacing them with a simplified statement of objectives to "increase, stabilize, or decrease the deer population." These rules establish a set of metrics to monitor progress towards the objective. These rules significantly reduce the number of deer management units and establish that they are generally the same as the county boundaries with exceptions for metropolitan subunits and tribal lands. These rules do not change the department's current requirement to evaluate deer management unit boundaries and population goals or objectives on a recurring three year basis.

Under these rules the department will be able to modify antlerless harvest quotas and permit levels on an annual basis. These rules establish that the department will seek input from groups or representatives for certain deer related interests in establishing quotas by creating *county deer management advisory committees*. Through these committees, the department will seek comment from members of the public on the status of the deer herd. The committees will usually be chaired by the chairperson for the county delegation of the Conservation Congress. Other members of the committee will normally be a representative of Wisconsin's Chippewa bands if in ceded territories and a representative for; agriculture, forestry, tourism, transportation and local government.

Under this proposal, hunters in most of the state will continue to receive an antlerless deer tag with the purchase of a firearm or archery license. This tag will be comparable to the current "herd control unit" tag which is issued in units that are 20% or more over the established population goal. Under the proposal, these tags will be valid in many but potentially not all farmland units. There is flexibility to establish that antlerless tags issued automatically with deer hunting licenses are not valid in farmland units that have a population objective to increase or stabilize the deer population. The department would establish this after natural resources board approval of a secretary's order, and following evaluation and a recommendation from county deer management advisory committees and the department. The department currently issues additional herd control tags for the cost of a \$2.00 issuance fee but those tags will be discontinued by this rule. Under this proposal, the standard fee of \$12.00, also the current fee for a bonus permit, will apply for all antlerless permits which are in addition to the one that was issued with hunting licenses. These rules also establish a \$12.00 fee for additional antlerless tags which allow harvest of deer in the CWD-affected area. Under statute, \$5.00 of the fee for these permits will be credited to an account

for management and testing of chronic wasting disease. Through the deer management assistance program, these rules allow establishing unique antlerless deer permits that are specific for use on properties enrolled in the deer management assistance program. A recommendation resulting from the public involvement process that preceded development of these rules was that the fee for bonus permits should be \$10.00. That is not proposed in these rules because the bonus permit fee is already established by statute and the department does not have rulemaking authority to change it. Other permits, the fee for which the department does have rulemaking authority, are generally also \$12.00 for consistency with bonus permits.

An important change in the allowable use of most antlerless deer permits is that, under this proposal, they will be valid for harvesting antlerless deer only on private land or only on lands open to public hunting. Historically, bonus permits had been valid for hunting on any type of land in the correct management unit. This rule change is intended to address hunter concerns about harvest and hunting pressure on public lands. This regulation may reduce the level of antlerless deer harvest on lands open to public hunting. Under the proposal, public lands are defined as land owned, under easement to, or lease by federal, state or county government if that land is open to public hunting and also includes private lands enrolled in the managed forest or forest crop program. This provision will be phased in over a two year period as automated license system updates are made.

A variety of related hunting regulations changes are proposed in these rules. Some of them are simplifications to current rules. Changes include the names for permits and the allowable use of various deer permits. Deer carcass tags, tagging, and transportation requirements are modified where possible in order to simplify regulations or where needed in anticipation of a new automated licensing system. The current requirement to register deer is replaced in these rules with a more customer-friendly harvest reporting procedure using telephone or internet. Black bear are another species for which in-person registration of harvested animals is required. These rules will modify bear harvest recording requirements because deer and bear registration occur at the same locations and through the same process under current rules. These rules will eliminate deadlines to register deer and bear that currently vary by season, harvest method, and location. Instead, a simple statewide requirement to register deer and bear harvest by 5:00 p.m. of the day after is established. This allows fewer hours to register an animal than under current law but electronic registration will be significantly more convenient. Faster registration of deer will provide the department and others who are interested with very timely harvest information. The shorter deadline may also help with enforcing bag limit, tagging, transportation and possession restrictions. The option to require in-person registration of deer carcasses is preserved in areas that are part of a CWD affected area or where necessary for deer population and herd health monitoring purposes. The department could take advantage of this authority in order to collect tissue specimens for sampling for a wide variety of diseases or biometrics associated with deer populations. Finally, in order to assure hunter accountability and compliance with group bagging restrictions, these rules establish that a deer carcass possessed in the field must be accompanied by the person who tagged it. These rules maintain the restriction that deer and bear can only be “quartered” while in the field, even if they have already been registered. Both of these regulations essentially maintain current requirements because in-the-field registration of harvested deer was not possible previously. Now that deer could be registered while in the field by using a cellular phone or other electronic means, these rules will continue to require that the person who tagged the carcass accompany it during dragging or other field transport or possession by others. Deer that have been registered could be possessed and transported by other people on public highways or possessed at a residence or business, such as a taxidermist or butcher shop. These requirements will also assure sex or size of deer or bear are identifiable in the field.

Season date modifications may have the impact of opening a small number of refuges, which are established in NR 11 and 15, to additional deer hunting during the late firearm season that begins on December 24. These refuges are located primarily on department managed lands and most of them were

established to provide undisturbed resting areas for migrating waterfowl. This deer hunt will occur very late in fall migration and will normally be after all waterfowl seasons are closed.

The department is recommending deer hunting season date modifications as a result of this rulemaking. The report generally recommended, “keeping seasons and bag limits consistent for longer periods of time to allow better assessment of management progress”. The season date modifications in the proposal may lead to more long term stability of seasons. These rules will maintain the current season for hunting deer by archery methods. This proposal maintains the traditional Wisconsin firearm deer season opener on the Saturday before Thanksgiving and 9 day structure. The current 10 day muzzleloader season is maintained under this proposal. This proposal modifies that “holiday hunt” which has been held in the CWD management zone so that it will be antlerless only and end on January 1 instead of the Sunday nearest January 6. The holiday hunt will be expanded geographically to include entire counties where previously the hunt was held only in a portion of the county. This holiday deer hunt occurs under current rules in the CWD management zone. It has been a low-pressure event but, for some, a greatly appreciated opportunity for additional deer hunting at a time when families are together and around which some new deer hunting traditions are developing. The late firearm season, or holiday hunt, is similar to seasons offered in other adjacent states and will occur during a time of the year when more residents are traditionally taking vacation or home for the holidays as in the case of veterans. Finally, only in areas that are part of the CWD season under current rules, archery deer hunting has been allowed on the day before the traditional 9-day firearm season opens. Under this proposal, the archery deer season will be open statewide on the day before the traditional 9-day firearm season for statewide consistency.

In metropolitan deer management subunits a 19-day firearm deer hunting season has been in place and is maintained by this rule proposal.

Under current rule, numerous state parks are listed in the table that establishes deer seasons because the DNR was required to establish hunting seasons in state parks by administrative rule. Under 2011 ACT 168, hunting is allowed at state parks except where, or at times when, the Natural Resources Board has prohibited the activity in order to protect public safety or a unique plant or animal community. Because the old presumption that state parks are closed unless opened by rule has been replaced by a presumption that state parks are open unless board action has been taken to close them, most state park names have been removed from the table. Those parks will be open to deer hunting under normal statewide regulations at times when hunting has not been prohibited for safety related purposes by natural resources board order. A number of parks, which had deer hunting seasons or regulations which are not the same as the ones that apply statewide are still found in the season table in order to preserve those unique seasons or regulations. All state park deer management unit number designations have been repealed and state parks are simply referred to by their name. Current rules require that deer hunters in state parks in the CWD management zone obtain a free access permit to a park. The number of access permits is not restricted. This rule repeals that requirement because it is no longer needed considering that access to other parks will not be monitored to this extent. Finally, the deer hunt at the Loew Lake Unit of the Kettle Moraine State Forest, which had been a limited entry/draw hunt, will now be open to participation by any licensed hunter. However, this season will continue to be muzzleloader only. These changes are made for consistency with other changes made at state parks which previously had limited entry hunts.

The trustee’s report generally recommends a more passive approach than current department policy to the management of Chronic Wasting Disease. This approach is reflected by the establishment of deer seasons in CWD affected areas that are similar to other areas of the state. Management of CWD in the state’s deer herd is still important under these rules. These rules retain the firearm deer season occurring over the Christmas holiday, although it will now be an antlerless-only season and will end on January 1. There is an option to issue landowner permits for sampling or for additional harvest opportunities, and rule language that provides advice on when an October firearm season will be held if necessary in CWD

affected areas. While the promulgation of emergency rules is required under s. 29.016, Stats., before an October firearm season can be held, establishing by permanent rule when that season would occur is intended to simplify development of an emergency rule if that authority is utilized. These rules modify the current CWD zone management system by designating it as the CWD-affected area using county boundaries to describe the zone instead of the previous DMU configuration based on roads and natural features such as rivers. A process for efficiently adding new counties as CWD-affected areas when the disease is discovered in new areas is created. The department currently establishes numeric population goals for deer units that are in a CWD zone. Those goals are modified by these rules so that they are consistent with the manner in which objectives for other units are expressed.

This rulemaking establishes a deer management assistance program that will allow landowners and hunters to work together with the department to manage deer on a site-specific basis. The program will actively involve members of the public in the collection, analysis, and reporting of deer harvest information and improve management of the deer herd at the local level. The rule establishes enrollment fees for participation in the program and statute has established that revenue will be credited back to implementation of the program. This proposal establishes a separate half-price fee of \$6.00 for antlerless deer hunting permits obtained through participation in the program. The lower fee is intended to be an incentive for participation. The program is a central recommendation of the report which recommended that the department establish: a) applicability to private and public lands, b) initial areas eligible to participate, c) administration of DMAP, d) funding, e) personnel and training, f) minimum property size to participate, g) fees, h) participation requirements, i) data collection requirements, j) registration of deer harvested on DMAP properties, k) data analysis and reporting, and l) assessment of DMAP effectiveness.

Chapter NR 13 is intended to regulate off-reservation treaty rights of treaty rights participants recognized by *Lac Courte Oreilles Band v. Voigt*, 700 F.2d 341 (7th Cir. 1983). Modifications to Ch. NR 13 update a cross reference with Ch. NR 10. Other out-of-date cross-references exist in this chapter but are not revised here as that might be more appropriate as a stand-alone, more thorough review. The report did not recommend changes to this chapter of administrative code.

Analysis and supporting documents used to determine effect on small business or in preparation of an economic impact analysis: The department estimates that the economic impact of these rules will be none or minimal and, pursuant to 2011 Executive Order 50, facilitated a 14 day period for comment on a draft economic impact analysis. The comment period began on October 7 and ended on October 21, 2013. Although s. Ch. 227.14 Stats., does not require an economic impact analysis for emergency rules, an analysis was prepared for this rule and related permanent rules and is included for informational purposes and in fulfillment of the fiscal impact analysis requirement.

This proposal modifies rules that establish the department's habitat and deer harvest management strategies. Examples of the new management efforts include: increased emphasis of habitat management on private land through the Deer Management Assistance Program, eliminating the requirement to use a specific method of measuring and estimating deer populations even though that model may still be used and considered, and new ways to describe desired deer population levels. These rules will result in moderate revisions to regulations that apply to individual deer hunters. Examples of the types of changes proposed include adjustments to deer management unit boundaries, simplified harvest registration procedures, different deer hunting regulations on private versus public lands, and different uses and changes in the availability of antlerless deer harvest permits.

Deer population, harvest, and habitat management affect many entities in this state. A broad description of affected industries includes agriculture, forestry, tourism, and retail. Governments may be impacted by these rules because many do have programs to manage nuisance deer locally. Many non-profit groups are

focused on natural resource conservation, wildlife resources, or deer in particular, and may be affected by these rules.

The department anticipates there may be none or a minimal effect on the financial health of industries, governments, and groups. The department anticipates there will be no economic effects of these regulations for individual hunters and landowners.

Affected entities are likely to base their evaluations of economic impact on their opinions of whether or not the rules will result in deer population changes. For instance, agriculture and forest-products interests may benefit from low deer populations and resulting low levels of crop and tree damage. The tourism and retail industries may benefit from high deer populations that result in greater enthusiasm and participation in deer hunting. This rule package will be designed to balance competing interests with a different approach than current rules.

It is important to note that the department is statutorily prohibited from managing deer populations with regulations that require a hunter to first harvest an antlerless deer before harvesting a buck. The department also lacks rulemaking authority for certain deer hunting season frameworks. These changes to the department's regulatory authority result from recently enacted statutes and they were not considered as part of an economic analysis prepared for these rules. While deer may have significant positive or negative impacts to different entities, removal of these harvest regulations likely moderates the economic impact of this rule package.

The department anticipates that there will be no or very few implementation and compliance costs for the affected entities. These rules will not establish reporting or compliance requirements or other regulations for small business. A possible outcome of these rules is the elimination of deer registration stations at local businesses throughout the state. The department has summarized the value of registration fees paid by the department to businesses, and related impacts of this voluntary program, in the economic impact analysis.

This is not a complete estimate of economic impacts but, rather, a summary which indicates that these rules could have none or minimal economic effects. The final economic analysis for these rules includes a description of the specific impacts of deer and deer hunting in this state based on surveys and research done by the department and other state and federal agencies. However, even though significant research exists, the impact of wild deer on the environment and to people under various conditions cannot be anticipated with exact precision. The final analysis includes significant narrative descriptions of anticipated economic impacts.

Anticipated Private Sector Costs: These rules, and the legislation which grants the department rule making authority, do not have a significant fiscal effect on the private sector. Additionally, no costs are associated with compliance to these rules.

Effects on Small Business: These rules are applicable to individual sportspersons and impose no compliance or reporting requirements for small businesses, and no design or operational standards are contained in the rule. Because this rule does not add any regulatory requirements for small businesses, the proposed rules will not have a significant economic impact on a substantial number of small businesses under 227.114(6) or 227.14(2g).

Agency Contact Person: Scott Loomans, 101 South Webster St., PO BOX 7921, Madison, WI 53707-7921. (608) 267-2452, scott.loomans@wisconsin.gov

SECTION 1. NR 1.15 (1) (a) and (b) are amended to read:

NR 1.15 (1) (a) *Forest diversity*. A planned program of maintaining forest diversity including shade-intolerant cover types, particularly aspen, oak and forest openings, is required to slow or halt this decline in habitat quality and to maintain deer populations at established ~~goal levels~~ population objectives.

(b) *Summer range*. Habitat conditions are deteriorating most rapidly on summer deer range. Forest maturation, conversion from sun-loving tree species to shade tolerant species and loss of grassy openings are reducing the quality of summer deer range and with it, the deer carrying capacity in northern Wisconsin. The habitat management objective, depending upon the deer population goal, is to provide an adequate mixture of aspen, oak, upland brush, jack pine and sodded openings in connection with regular forest management practices.

SECTION 2. NR 1.15 (1) (c) 1. is amended to read:

NR 1.15 (1) (c) 1. The department will seek appropriate deer harvest quotas to ~~maintain~~ move deer populations ~~at established goals~~ in the direction specified by deer population objectives.

SECTION 3. NR 1.15 (2) (a) (intro.) is amended to read:

NR 1.15 (2) (a) *Deer population ~~goals~~ objectives*. The department shall seek to maintain a deer herd in balance with its range ~~and at deer population goals~~ with deer population and sustainable harvest objectives that are reasonably compatible with social, economic and ecosystem management objectives for each deer management unit. Deer population objectives are to be based on:

SECTION 4. NR 1.15 (2) (a) 8. is repealed and recreated to read:

NR 1.15 (2) (a) 8. Ability to manage the deer herd in a management unit towards an established population objective.

SECTION 5. NR 1.15 (2) (at) is amended to read:

NR 1.15 (2) (at) If crop damage in a deer management unit with an objective to maintain or increase the population is above the tolerable limit in 2 years out of a 3 year period prior to a ~~current~~ unit review under s. NR 10.104 (3), the department shall consider ~~reducing the goal~~ establishing an objective to reduce or maintain the deer population. ~~if intolerable levels of damage are likely when the herd is at goal. If damage in a deer management unit exceeds tolerable levels when the herd is at goal in 2 years out of a 3-year period prior to a current unit review under s. NR 10.104 (3), the department shall reduce the population goal in that unit, unless an objective is selected which would result in a herd size goal reduction is not expected to alleviate intolerable levels of deer damage.~~

SECTION 6. NR 1.15 (3) is amended to read:

NR 1.15 (3) RESEARCH AND SURVEYS. Surveys, investigations and research shall be conducted to provide technical information necessary to evaluate population objectives and establish population estimates trends, harvest recommendations, population goals objectives and habitat management needs and guidelines.

SECTION 7. NR 10 (title) is created to read:

SUBCHAPTER I
GENERAL PROVISIONS

SECTION 8. NR 10.001 (1k) is created to read:

NR 10.001 (1k) "Afield" means an area where hunting can legally occur such as fields, forests or similar areas.

SECTION 9. NR 10.001 (2e) is amended to read:

NR 10.001 (2e) "~~Archery hunt~~" "Archery deer season" means a hunting ~~period~~ season for hunting deer ~~with bow and arrow or crossbow as authorized by~~ under the authority of a license issued under s. 29.171 (2) and (2m), ss. 29.171 and 29.216 Stats., in the zones and units or subunits described in s. NR 10.28 (3) s. NR 10.28.

SECTION 10. NR 10.001 (6p) is amended to read:

NR 10.001 (6P) "CWD ~~management zone~~ affected area" means a zone established in ~~s. NR 10.28 (3) s. NR 10.41~~ for the control, and management and eradication of chronic wasting disease and is considered the chronic wasting disease ~~eradication zone and chronic wasting disease control zone~~ only for purposes of ss. 29.063 (5) and ~~167.31 (4) (bg) 1., Stats. 29.336, Stats.~~

SECTION 11. NR 10.001 (19e) is amended to read:

NR 10.001 (19e) "Notice and information to the public that is adequate" under s. 29.063 (2), Stats., means a department press release to the local news media and the official state newspaper and may also include the following: public meetings, telephone contacts, internet postings, brochure distribution, first class mailings and meetings with landowners in the CWD ~~management zone~~ affected area.

Section 12. NR 10.001 (23a) is created to read:

NR 10.001 (23a) "Private land" for purposes of s. NR 10.104 (8) and (9) means land that is not public land under sub. (23b).

Section 13. NR 10.001(23b) is created to read:

NR 10.001 (23b) "Public land" for purposes of s. NR 10.104 (8) and (9) means land owned, under easement to, or lease by federal, state or county government if that land is open to public hunting and private lands which are enrolled in the managed forest or forest crop program under ch.77, Stats., if they are open to public hunting.

SECTION 14. NR 10.01 (2) (b) (Note) is created to read:

10.01 (2) (b) **Note:** Deer management units in this par. are ones that were in effect in 2013 and are described in NR 10.28 (1) (Note).

SECTION 15. NR 10.01 (3) (e) is repealed and recreated to read:

Kind of animal and locality	Open season (all dates inclusive)	Limit
<i>NR 10.01 (3) (e) Gun deer season.</i>		
1. a. All that part of the state not otherwise listed in subds. 2. to 5.	Firearm season beginning on the Saturday immediately preceding the Thanksgiving Day holiday and continuing for 9 consecutive days.	One buck deer with an unfilled gun buck deer carcass tag and additional antlerless deer as authorized by antlerless deer permits or tags issued under s. NR 10.104.
b. Portions of the state located within the central forest and central farmland zones established in s. 10.28 (4) and not otherwise listed in subds. 2. to 4.	Firearm season beginning on the second Thursday following the Thanksgiving Day holiday and continuing for 4 consecutive days.	One antlerless deer for each antlerless permit or tag issued under. NR 10.104.
c. All that part of the state located within the southern farmland zone established in s. 10.28 (4) and not otherwise listed in subds. 2. to 4. This season may be expanded to additional management units and subunits in a farmland zone by the secretary of the department upon the recommendation of a county deer management advisory committee. Modifications by the department shall become effective upon issuance of an order and publication in the official state newspaper.	Firearm season reopening on December 24 and continuing through January 1.	One antlerless deer for each antlerless permit or tag issued under. NR 10.104.
2. State parks, trails and forests. State parks, trails and forests are open during the seasons and subject to the same bag limit listed in subd. 1 except as established in subd. par. a. to c., and except that no person may hunt deer on the state-owned portions of state parks, trails and recreation areas in locations and at times when the department has determined that prohibiting hunting is necessary pursuant to s. 29.089 (1m) (b), Stats. Portions of state properties may also be posted closed to hunting.		
a. Perrot, High Cliff and Peninsula state parks and the Loew Lake Unit – Kettle Moraine state forest.	Muzzleloading firearm season beginning on the Saturday immediately preceding the Thanksgiving Day holiday and	One buck deer with an unfilled gun buck deer carcass tag and additional antlerless deer as authorized

	continuing for 9 consecutive days.	by antlerless deer permits or tags issued under s. NR 10.104.
b. Rib Mountain, Harrington Beach, Kohler–Andrae and Wildcat Mountain state parks.	Muzzleloading firearm season beginning on the Saturday immediately preceding the Thanksgiving Day holiday and continuing for 19 consecutive days.	One buck deer with an unfilled gun buck deer carcass tag and additional antlerless deer as authorized by antlerless deer permits or tags issued under s. NR 10.104.
c. Buckhorn state park in the area east of 19th avenue, north of county HWY G, and north of 31st street.	Firearm seasons listed in subd. 1, the muzzleloader season established in subd. (es) 1., and the youth hunt in par. (ev).	One buck deer with an unfilled gun buck deer carcass tag and additional antlerless deer as authorized by antlerless deer permits or tags issued under s. NR 10.104.
3. Federal properties		
a. Fort McCoy military reservation in Monroe county and Volk Field military facility in Juneau county.	Firearm season type as established by military permit and approved by the department by August 1 annually.	Sex and type of deer is as specified on permit issued by military facility.
Note: The department does not issue deer hunting permits for the Fort McCoy and Volk Field military facilities. Hunters must apply directly to these facilities for a deer hunting permit and are limited to the type of deer specified on the permit.		
b. Federally owned portions of the Apostle Islands	Muzzleloading firearm season October 1–31.	One buck per carcass tag as described under s. NR 10.104 (15) (c). Additional deer may be taken pursuant to s. NR 10.104 (15) (d).
4. Menominee county	Firearm season type as established by the Menominee tribe for tribal members only.	As established by the Menominee tribe.
5. Metropolitan deer management subunits LaCrosse, Hudson, Superior, Green Bay, Milwaukee, and Madison as described under s. NR 10.28(2).	Firearm season beginning on the Saturday immediately preceding the Thanksgiving holiday and continuing for 19 consecutive days.	One buck and one antlerless deer as authorized by the appropriate carcass tag and additional antlerless deer as authorized by antlerless permits issued under s. NR 10.104.
6. All that part of the state not otherwise listed in subds. 2. to 4. when the department has made the findings required under s. 29.016 (2) (b), Stats., and	Firearm season lasting 4 consecutive days beginning on a Thursday and ending on the Sunday nearest, but not later than October 15 th .	One antlerless deer for each antlerless permit or tag issued under. NR 10.104.

following promulgation of rules under s. 227.24, Stats.		
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SECTION 16. NR 10.01 (3) (ed) is repealed.

SECTION 17. NR 10.01 (3) (em) is repealed and recreated to read:

10.01 (3) (em) <i>Archery deer season</i>		
1. <i>Deer management zones established in s. 10.28 (4).</i>		
a. Portions of the state located within the northern forest zone, except as established under subds. 2. to 4.	Beginning on the Saturday nearest September 15 and continuing through the Sunday nearest January 6.	One buck deer with an unfilled archery buck tag and additional antlerless deer as authorized by antlerless permits or tags issued under s. NR 10.104.
b. Portions of the state located within the central forest and central farmland zones, except as established under subds. 2. to 4.	Beginning on the Saturday nearest September 15 and continuing through the second Wednesday following the Thanksgiving Day holiday.	One buck deer with an unfilled archery buck carcass tag and additional antlerless deer as authorized by antlerless permits or tags issued under s. NR 10.104.
	Beginning on the second Thursday following the Thanksgiving Day holiday and continuing for 4 consecutive days.	One antlerless deer for each antlerless permit or tags issued under s. NR 10.104.
	Beginning on the Monday following the 4 day season in this subd. par. and continuing through the Sunday nearest January 6.	One buck deer with an unfilled archery buck carcass tag and additional antlerless deer as authorized by antlerless permits or tags issued under s. NR 10.104.
c. Portions of the state located within the southern farmland zone, except as established under subds. 2. to 4	Beginning on the Saturday nearest September 15 and continuing through December 23.	One buck deer with an unfilled archery buck deer carcass tag and additional antlerless deer as authorized by antlerless permits or tags issued under s. NR 10.104.
	Beginning on December 24 and continuing through January 1.	One antlerless deer for each antlerless permit or tags issued under s. NR 10.104.
	Beginning on January 2 and continuing through the Sunday nearest January 6.	One buck deer with an unfilled archery buck carcass tag and additional antlerless deer as authorized by antlerless permits or tags

		issued under s. NR 10.104.
2. Federal properties.		
a. Fort McCoy military reservation in Monroe county and Volk Field military facility in Juneau county.	As established by military permit and approved by the department by August 1 annually.	Sex and type of deer is as specified on permit issued by military facility.
Note: The department does not issue deer hunting permits for the Fort McCoy and Volk Field military facilities. Hunters must apply directly to these facilities for a deer hunting permit and are limited to the type of deer specified on the permit.		
b. Federally owned portions of the Apostle Islands.	Beginning on the Saturday nearest September 15 and continuing through September 30 and November 1 through the Sunday nearest January 6.	One deer per unfilled deer carcass tag as described under s. NR 10.104 (15) (a) and (b). Additional deer may be taken pursuant to s. NR 10.104 (15) (d).
3. Metropolitan deer management subunits		
a. Superior Metropolitan deer management subunit described under s. NR 10.28(2).	Beginning on the Saturday nearest September 15 and continuing through January 31.	One buck deer with an unfilled archery buck deer carcass tag and additional antlerless deer as authorized by antlerless permits or tags issued under s. NR 10.104.
b. Hudson, LaCrosse, and Green Bay area metropolitan deer management subunits as described under s. NR 10.28(2).	Beginning on the Saturday nearest September 15 and continuing through the second Wednesday following the Thanksgiving Day holiday.	One buck deer with an unfilled archery buck deer carcass tag and additional antlerless deer as authorized by antlerless permits or tags issued under s. NR 10.104.
	Beginning on the second Thursday following the Thanksgiving Day holiday and continuing for 4 consecutive days.	One antlerless deer for each antlerless permit or tags issued under s. NR 10.104.
	Beginning on the Monday following the 4 day season in this subd. and continuing through January 31.	One buck deer with an unfilled archery buck deer carcass tag and additional antlerless deer as authorized by antlerless permits or tags issued under s. NR 10.104.
c. Madison and Milwaukee area metropolitan deer management subunits as described under s. NR 10.28(2).	Beginning on the Saturday nearest September 15 and continuing through December 23.	One buck deer with an unfilled archery buck deer carcass tag and additional antlerless deer as authorized by antlerless permits or tags issued under s. NR 10.104.

	Beginning on December 24 and continuing through January 1.	One antlerless deer for each antlerless permit or tags issued under s. NR 10.104.
	Beginning on January 2 and continuing through January 31.	One buck deer with an unfilled archery buck deer carcass tag and additional antlerless deer as authorized by antlerless permits or tags issued under s. NR 10.104.
4. State parks, trails, forests and recreation areas. State parks, trails and forests are open during the seasons and subject to the same bag limit listed in subd. 1. except as established in subd. par. a. to c., and except that no person may hunt deer on the state-owned portions of state parks, trails, forests and recreation areas in locations and at times when the department has determined that prohibiting hunting is necessary pursuant to s. 29.089 (1m) (b) Stats. Portions of properties may also be posted closed to hunting.		
a. Buckhorn state park	During the archery deer season described in subd. 1.	One buck deer with an unfilled archery buck deer carcass tag and additional antlerless deer as authorized by antlerless permits or tags issued under s. NR 10.104.
b. Big Bay, Blue Mound, Governor Dodge, and Tower Hill state parks.	Beginning on Oct. 15 and continuing for the remainder of the archery deer season described in subd. 1.	One buck deer with an unfilled archery buck deer carcass tag and additional antlerless deer as authorized by antlerless permits or tags issued under s. NR 10.104.

SECTION 18. NR 10.01 (3) (es) 1. and 2. are amended to read:

NR 10.01 (3) (es) <i>Muzzleloader deer season</i>		
1. Entire state, except for the areas described in subd. 2., par. (e), deer management units 1M, 59M, 60M, 64M, and 77M, and state parks metropolitan deer management subunits established in s. NR 10.28 (2).	Beginning on the Monday immediately following the Thanksgiving <u>Day</u> holiday and continuing for 10 consecutive days.	One buck deer <u>with an unfilled gun buck deer carcass tag</u> and additional antlerless deer as authorized by antlerless deer permits <u>or tags</u> issued under s. NR 10.104.
2. Loew Lake Unit—Kettle Moraine state forest (unit 77D)	Beginning on the Monday immediately following the Thanksgiving holiday and continuing for 10 consecutive days. Muzzleloader deer hunting is limited to persons holding a permit which authorizes access to hunt deer in unit 77D issued by the	

	department.	
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SECTION 19. NR 10.01 (3) (es) 3. is repealed.

SECTION 20. NR 10.01 (3) (et) is repealed.

SECTION 21. NR 10.01 (3) (ev) is amended to read:

NR 10.01 (3) (ev) <i>Special youth gun deer hunt event.</i>
<p>Persons under 16 years of age may hunt deer with a firearm for 2 consecutive days beginning on the Saturday nearest October 8 in all deer management units, except state park units and deer management unit 48. Allowable types of firearms are those authorized on the first day of the regular gun deer season under par. (e) or (et). <u>parks other than Buckhorn State Park.</u> The bag limit is one buck deer per valid <u>unfilled</u> gun <u>buck</u> deer carcass tag and additional antlerless deer per valid antlerless deer carcass tags issued under par. (ed) or s. NR 10.104 (8) s. NR 10.104. Hunters shall be accompanied by an adult 18 years of age or older and be in compliance with s. 29.592, Stats. One adult may not accompany more than 2 hunters and pursuant to s. 29.592, Stats., not more than one of the 2 hunters may be age 10 or 11, or be a person who does not possess a certificate of accomplishment under s. 29.591, Stats., or its equivalent from another state, country or province. All other hunting regulations apply. Blaze orange requirements under s. 29.301 (2), Stats., apply to all hunters on these days except waterfowl hunters. Earn a buck requirements do not apply to youth hunters hunting in CWD zones identified in s. NR 10.28 (3) or non-CWD earn a buck units when using their regular gun buck deer carcass tag. Youth hunters may harvest and tag bucks or antlerless deer in CWD zones as authorized by CWD tags under s. NR 10.104 (11) or CWD landowner permit tags issued pursuant to s. NR 10.41 (3).</p>

SECTION 22. NR 10.01 (4) (dm) (Note) is created to read:

10.01 (4) (dm) **Note:** Deer management units in this paragraph are ones that were in effect in 2013 and are described in s. NR 10.28 (1) (Note).

SECTION 23. NR 10.02 (3) is amended to read:

NR 10.02 (3) Albino or white deer which are white except for the hooves, tarsal glands, head or parts of the head. ~~Albino or white deer are not protected in the CWD management zone established in s. NR 10.28 (3).~~

SECTION 24. NR 10.06 (8) (b) and (note) are amended to read:

NR 10.06 (8) (b) *Gun deer season.* Hunting hours established in sub. (5) shall apply statewide to bow and gun hunters pursuing any species, except migratory game birds listed in s. NR 10.01 (1), during the ~~season established in s. NR 10.01 (3) (e) 1. a. and b. period beginning on the Saturday preceding the thanksgiving day holiday and continuing for 9 consecutive days in the central farmland and forest deer management zones established in s. 10.28 (4).~~

Note: The deer hunting with firearms hours do not apply to persons hunting coyote, fox, raccoon or other wild animals for which no closed season has been established during the muzzle-loader season, an extended gun deer season or the extended gun season dates following the 9-day deer gun season in a metro deer management unit or in the southern farmland deer management zone.

SECTION 25. NR 10.07 (2m) (b) 1. is amended to read:

NR 10.07 (2m) (b) 1. A CWD ~~management zone~~ affected area has been established in the county or a portion of the county, or

SECTION 26. NR 10.07 (3) is repealed.

SECTION 27. NR 10.09 (2) is repealed.

SECTION 28. NR 10.102 (1) (e) 4. is amended to read:

NR 10.102 (1) (e) 4. Temporary subzone boundaries shall follow deer management unit boundaries as identified in ~~s. NR 10.28~~ s. NR 10.28 (1) (Note).

SECTION 29. NR 10.104 is repealed and recreated to read:

NR 10.104 Deer Population Management. (1) DEER MANAGEMENT SYSTEM. The department shall manage the state deer population by all of the following:

- (a) Establishing deer management unit boundaries within the state.
- (b) Establishing deer population objectives for each deer management unit.
- (c) Monitoring the performance of the deer populations within each deer management unit.
- (d) Establishing deer hunting seasons with the goal to move the deer population in the direction of the established deer population objective for each deer management unit.

(2) DEER MANAGEMENT UNITS. (a) *Where established.* The deer management unit boundaries are the county boundaries as established in s. Ch. 2 Wis. Stats. and s. NR 10.28 (1) except for areas which are subdivided into metropolitan deer management subunits and areas within the exterior boundaries of the Bad River, Lac Courte Oreilles, Lac du Flambeau, Menominee, and Red Cliff reservations..

(3) THREE YEAR REVIEWS. The department shall review, and seek public comment, regarding the need to modify the boundaries or population objectives for all deer management units every 3 years. For deer management units in the ceded territory as defined by s. NR 13.02 (1), the department shall also provide the Wisconsin Chippewa bands those opportunities for tribal input described in and required by the parties' stipulations in the case of Lac Courte Oreilles Band of Lake Superior Indians, et al., v. State of Wisconsin, et al., Case No. 74-C-313-C in the United States District Court for the Western District of Wisconsin.

(4) DEER POPULATION OBJECTIVES. A deer population objective shall be established for each management unit except on tribal lands identified in NR 10.28 (1). Deer population objectives will be expressed as a goal statement to do one of the following:

- (a) Increase the deer population.
- (b) Maintain the current deer population.

(c) Decrease the deer population.

(5) DEER POPULATION MONITORING. (a) *Metrics*. The department shall monitor progress towards each management unit's objective of increasing, maintaining, or decreasing the deer population. The department shall consider all of the following:

1. Deer population trends as indicated by commonly accepted models for estimating deer populations. In 2014 and continuing until the department determines that evaluation of the metrics are providing information that is comparable, the department shall utilize the sex-age-kill method for calculating deer densities. The sex-age-kill method uses the following quantitative data for each deer management unit: proportion of yearling bucks in the harvest, proportion of yearling does in the harvest, proportion of males and females at birth, the number of fawns seen per doe during the summer, the proportion of total buck mortality due to hunting harvest, and the harvest by sex as registered during the hunting seasons. The department is not limited to use of the sex-age-kill method. The department may make a determination that alternative methods of population evaluation are comparable, which shall become effective in lieu of or in addition to the sex-age-kill method after approval by the Natural Resources Board, and upon issuance of an order and publication in the official state newspaper.

2. Deer health.
3. Deer impacts on natural resources.
4. Deer impacts on society.
5. Deer hunter success and public perception of population trend.

Note: A determination under this par. does not prevent continued utilization of the sex-age-kill method as the department determines is valuable or necessary.

(b) *County deer management advisory committees*. The department shall establish county deer management advisory committees for the purpose of seeking comment from members of the public on the status of the deer herd at the county level beginning in 2015. The committee shall be chaired by the chairperson for the county delegation of the Conservation Congress established under s. 15.348 Stats., or a designee who shall be approved by the department. At least 3 members shall be individuals who held an annual license authorizing deer hunting in this state or another state, in at least 7 of the 10 years previous to the year in which the individual is nominated, except if the individual served on active duty in the U.S. armed forces or national guard during the 10 years previous to the year in which the individual is nominated. If the individual served on active duty in the U.S. armed forces or National Guard, the number of years in which they are required to have held a deer hunting license equals 7 minus the number of years of active duty served during those 10 years. The advisory committee may also be comprised of a representative of the following entities:

1. For deer management units in the ceded territory as defined by s. NR 13.02 (1), the department shall provide the Wisconsin Chippewa bands those opportunities for tribal input into the department's deer management decisions described in and required by the parties' stipulations in the case of *Lac Courte Oreilles Band of Lake Superior Indians, et al., v. State of Wisconsin, et al.*, Case No. 74-C-313-C in the United States District Court for the Western District of Wisconsin

2. Agriculture.
3. Forestry.
4. Tourism.
5. Transportation.
6. Local government.
7. A local organization representing hunting interests.

Note: The department annually calculates an estimate of the overwinter deer population for most deer management units using the sex-age-kill method for calculating deer densities. The sex-age-kill method uses the following quantitative data for each deer management unit: proportion of yearling bucks in the harvest, proportion of yearling does in the harvest, proportion of males and females at birth, the number of fawns seen per doe during the summer, the proportion of total buck mortality due to hunting harvest, and the harvest by sex as registered during the hunting seasons. The department also uses other commonly accepted models for estimating deer populations.

(6) **ANTLERLESS DEER TAGS.** The department may issue deer carcass tags that are valid for the harvest of antlerless deer which are in addition to those established in sub. (7). If the department issues antlerless deer carcass tags, the department shall issue antlerless deer hunting permits and tags in sufficient numbers to achieve the population objective established in sub. (4), after evaluating the results of population monitoring required under sub. (5). The department shall also evaluate the public demand for antlerless deer tags in the previous three seasons.

(7) **DEER CARCASS TAGS.** (a) *Archery license deer carcass tags.*

1. Each license which authorizes the hunting of deer with a bow and arrow, and not with a firearm, shall include one deer carcass tag that is valid for taking one buck deer in any unit or subunit statewide with a bow and arrow.

2. Licenses which authorizes the hunting of deer with a bow and arrow, and not with a firearm, may include one or more carcass tags that are valid for the taking of one antlerless deer in a management unit or portion of a unit specified on the tag which are in the farmland zones or a metropolitan deer management subunit established in s. NR 10.28 (2) and (4) except that, where the department has established an objective to increase or maintain the deer population under s. NR 10.104 (4), the department may establish that the antlerless tags under this subd. are not valid. This antlerless deer carcass tag is not weapon or season specific, but the holder must possess the correct license for the method of harvest and season. This tag is valid statewide for a person holding a Class A or Class C disabled permit issued under s. 29.193 (2) (b), Stats., or a person who is under 18 years of age. Beginning in 2015, these carcass tags are valid as indicated on the permit only for harvesting antlerless deer on public land or only for harvesting antlerless deer on private land as defined in s. NR 10.001 (23a) and (23b).

3. Notice. Modifications by the department under subd. 2. shall become effective upon issuance of an order of the secretary and publication in the official state newspaper.

(b) *Firearm deer license carcass tags.*

1. Each license which authorizes the hunting of deer with a firearm shall include one carcass tag that is valid for taking one buck deer in any unit statewide with a firearm, bow and arrow, or crossbow during any season open to hunting deer with a firearm.

2. Licenses which authorize the hunting of deer with a firearm may include one or more carcass tags that are valid for taking one antlerless deer in a management unit or portion of a unit specified on the tag which are in the farmland zones or in a metropolitan deer management subunit established in s. NR 10.28 (2) and (4) except that, where the department has established an objective to increase or maintain the deer population under s. NR 10.104 (4), the department may establish that the antlerless tag under this subd. is not valid. This antlerless deer carcass tag is not weapon or season specific, but the holder must possess the correct license for the method of harvest and season. This carcass tag is valid for the taking of one antlerless deer in any unit statewide by a person holding a Class A or Class C disabled permit issued under s. 29.193 (2) (b), Stats., or a person who is under 18 years of age. Beginning in 2015, these carcass tags are valid as indicated on the permit only for harvesting antlerless deer on public land or only for harvesting antlerless deer on private land as defined in s. NR 10.001 (23a) and (23b).

3. Notice. Modifications by the department under subd. 2. Shall become effective upon issuance of an order and publication in the official state newspaper.

(8) **BONUS ANTLERLESS TAG ISSUANCE.** The department may issue bonus antlerless deer carcass tags valid for harvesting antlerless deer only on public land and bonus antlerless deer carcass tags valid for harvesting antlerless deer only on private land as defined in s. NR 10.001 (23a) and (23b). Beginning in 2014 bonus antlerless tags shall be issued in the following manner:

(a) *General issuance.* The department may issue bonus antlerless deer tags on a first-come, first-served basis to individuals who possess a valid deer hunting license. No person may purchase more than 1 bonus antlerless deer carcass tag per day.

Note: The department conducts extensive publicity on the day when the antlerless permits are first available for sale beginning several months prior to the purchase date. Permit sale dates are published in news releases, license outlet handouts, and pertinent regulation pamphlets. Permits are available from department license agents, on-line at dnr.state.wi.us or by telephone at 1-877-945-4236.

(b) *Bonus antlerless tags for farm owners.* Eligible resident farm owners under s. 29.181, Stats., will receive one free bonus antlerless deer carcass tag/permit for each bonus antlerless deer carcass tag/permit they purchase if requested at the time of purchase. Where there are joint owners or vendee names under a land contract, only one of the owners or vendedees is eligible for the free bonus tags. The free tag shall be valid for the same type of land, either public or private as defined in NR 10.001 (23a) and (23b) as the one which was purchased. To be an eligible farmer under this section, a majority of the land shall be used on a commercial agricultural basis, to produce income.

(c) *Bonus tags in a CWD affected area.* The fee for bonus tags issued in a CWD affected area shall be the same as the fee established in ss. 29.563 (2) (c.) 1. and (d.) 1. If the department allows the use of bonus permits both in areas where CWD has been identified and in areas where CWD has not been identified, the department shall use deer harvest registration information to establish a number of permits which are issued for CWD areas for purposes of s. 29.181 (3), Stats.

Note: Under s. 29.181 (3) Stats., the department is required to credit an amount equal to \$5 times the number of those bonus deer hunting permits issued to an appropriation which is established for management of and testing for, chronic wasting disease.

(9) **TAG AUTHORITY.** No person may hunt antlerless deer unless he or she possesses a current valid antlerless deer carcass tag or bonus antlerless deer permit for the deer management unit or subunit in which the person is hunting, or as authorized when group hunting with a firearm as established in s. 29.324, Stats. No person may hunt antlerless deer under the authority of an antlerless deer carcass tag or bonus antlerless deer carcass tag or permit on public lands or on private lands unless he or she possesses a current valid bonus antlerless deer permit which is valid for the type of land, either public land or private land, upon which the person is hunting.

Note: Section 29.324, Stats., Group deer hunting. (1) In this section:

(a) "Contact" means visual or voice contact without the aid of any mechanical or electronic amplifying device other than a hearing aid.

(b) "Group deer hunting party" means 2 or more hunters hunting in a group all using firearms, each of whom holds an individual license to hunt deer.

(2) Any member of a group deer hunting party may kill a deer for another member of the group deer hunting party if both of the following conditions exist:

(a) At the time and place of the kill, the person who kills the deer is in contact with the person for whom the deer is killed.

(b) The person for whom the deer is killed possesses a current unused deer carcass tag which is authorized for use on the deer killed.

(3) A person who kills a deer under sub. (2) shall ensure that a member of his or her group deer hunting party without delay attaches a current validated deer carcass tag to the deer in the manner specified under s. 29.347 (2). The person who kills the deer may not leave the deer unattended until after it is tagged.

(9m) BONUS TAGS UNDER THE DEER MANAGEMENT ASSISTANCE PROGRAM. The department may issue antlerless tags to level 2 and level 3 participants in the deer management assistance program established under Subchapter II. Permits shall be issued in the number prescribed by the department or its agents following evaluation and harvest recommendations under NR 10.72 (2) (b) 2. Permits are valid for use only on the property or group of properties authorized by the department during any firearm, bow and arrow or crossbow season. The fee for bonus tags issued under this sub. shall be \$6.00.

(9r) BONUS BUCK AUTHORIZATION IN THE SOUTHERN FARMLAND ZONE. No person may kill and tag more than two buck deer under the authority of an archer license. No person may tag more than two buck deer under the authority of a firearm deer license. No person may tag more than three buck deer during any combination of annual deer hunting seasons using a combination of an archer and firearm deer license during one license year. Deer shall be tagged as described in this paragraph using a bonus buck deer carcass tag or sticker which will be supplied by the department following in person registration of the antlerless deer and shall be transported in accordance with s. NR 10.105 (2). In 2014, each buck authorization sticker earned during a 2013 deer hunting season authorizes the harvest of an additional buck deer in a unit or subunit in the southern farmland zone. In 2014, these additional bucks may be tagged with any 2014 deer carcass tag and the buck authorization sticker earned in 2013 must be affixed to the validated 2014 deer carcass tag. Bonus buck carcass tags or stickers earned in the 2014 hunting seasons may or may not be valid in 2015.

(10) BAG LIMIT. The bag limit is equal to the number of valid deer carcass tags a person is issued except that, beginning in 2015, no person may harvest more than three bucks in one year regardless of the number of tags of any type that they possess.

(12) SPECIAL DISEASED DEER REPLACEMENT PERMITS. The department may provide a free replacement tag issued under s. 29.177, Stats., to hunters who harvest deer that are suspected of being diseased, provided that the entire deer is surrendered to the department or is disposed of as directed by the department. Each special permit shall be:

- (a) Issued by a department employee or a designated agent.
- (b) Issued to the hunter harvesting and tagging the suspect deer.
- (c) Issued for the type of deer authorized on the approval used to harvest and tag the suspect deer.

(14) DEER CARCASS TAG REPLACEMENT PERMITS. The department may provide free replacement tags issued under s. 29.177, Stats., to hunters who legally harvest deer and validate and place the incorrect tag on the deer in any season or hunt established in s. NR 10.01 (3), provided the hunter is in possession of the correct tag for the type of deer harvested. The incorrectly used tag shall be turned over to the department employee or agent issuing the replacement tag. Each replacement tag shall be:

- (a) Issued by a department employee or a designated agent.
- (b) Issued to the hunter harvesting and tagging the deer with an incorrect tag.
- (c) Issued for the type of deer authorized on the approval used to harvest and tag the incorrect deer.

(15) APOSTLE ISLANDS. The following carcass tags are valid for the taking and tagging of deer in islands of the Apostle Islands National Lakeshore:

- (a) Archery buck deer carcass tag.
- (b) Archery antlerless deer carcass tag.
- (c) Gun buck deer carcass tag.
- (d) Special permits for the islands of the Apostle Island National Lakeshore deer permit. These special permits shall be issued free of charge at a rate of up to 2 permits per day per hunter. Each tag may be used to tag any of the following:

1. An antlerless deer.
2. A buck deer if the hunter possesses an antlerless deer registration verification earned in the federally owned portion of the Apostle Islands in the previous year or in the current year.
3. A buck deer if the hunter possesses an antlerless deer that has been legally harvested in the federally owned portion of the Apostle Islands and is tagged prior to the harvest of the buck deer and the antlerless deer accompanies the buck deer until each is registered.

Note: All of the land in this unit is owned and managed by the National Park Service's Apostle Island National Lakeshore. The National Park Service may require an access permit for the purposes of deer hunting which may limit the dates an individual may hunt and the island or islands on which hunting may occur.

SECTION 30. NR 10.105 (1), (2), (4) and (7) are amended to read:

NR 10.105(1) ~~While afield, No no person may possess or transport a carcass of a deer or bear from the time the deer or bear is killed to the time it is registered under s. NR 10.106, that is tagged with the or possessed under the authority of a validated carcass tag of another person unless accompanied by the person issued the carcass tag. After a deer or bear is registered it may be transported by vehicle on a public roadway or possessed at a dwelling or business establishment by a person who is not hunting without the need to be accompanied by the person who tagged and registered the deer or bear. A dwelling for the purposes of this subsection includes permanent residences as well as temporary residences, such as an established hunting cabin or camp site.~~

~~(2) In deer management units with deer seasons modified under s. NR 10.01 (3) (ed) 1. b. or (et) 2., no No person may transport a buck deer bonus buck deer harvested under the authority of ss. NR 10.104 (9r) or (15)(d) from the time it is killed to the time it is registered under s. NR 10.106, or possess while afield after the buck is registered, unless accompanied by the antlerless deer or antlerless deer registration verification validated bonus buck deer carcass tag which authorized the taking of the buck deer. An antlerless deer A bonus buck deer carcass tag may be used only by the hunter who tagged it person to whom it is issued to secure authorization for that hunter to tag one additional buck deer, in the unit or units modified under s. NR 10.01 (3) (ed) 1. b. or (et) 2. Deer may only be transported outside of the unit of kill or adjoining unit after they have been registered in compliance with s. NR 10.106(2).~~

(4) ~~TRANSPORTATION OF DEER FROM A CHRONIC WASTING DISEASE MANAGEMENT ZONE AFFECTED AREA.~~ Unless otherwise authorized by the department, the carcasses of deer harvested in a chronic wasting disease ~~management zone affected area identified in s. NR 10.28 (3) identified by the department~~ may not be transported outside of that ~~zone area~~ except for the following, or as provided under sub. (7):

- (a) Carcasses transported into deer management units adjacent to the chronic wasting disease ~~management zone affected area.~~
- (b) Meat that is cut and wrapped, either commercially or privately.
- (c) Quarters or other portions of meat to which no part of the spinal column is attached.
- (d) Meat that has been deboned.
- (e) Hides with no head attached.
- (f) Finished taxidermy heads.
- (g) Antlers with no tissue attached except for velvet on antlers when possession of the velvet antlers is authorized pursuant to s. 29.347 (3) (b), Stats.
- (h) Skulls with or without antlers attached which have no brain or lymphoid tissue attached.
- (i) Upper canine teeth.

(7) CERVID CARCASSES WITH ANY PORTION OF THE SPINAL COLUMN OR HEAD ATTACHED.

Notwithstanding sub. (4) or (6), carcasses which have any part of the spinal column or head attached may be transported from the chronic wasting disease ~~management zone~~ affected area to other parts of this state, or into this state if such carcass is submitted to a meat processor licensed under s. 97.42 (2) (a), Stats., or a taxidermist permitted under s. 29.506 (2), Stats., for processing and the person who possesses the carcass complies with the following:

(a) That part of the carcass which includes the head and spinal column shall be submitted to a licensed meat processor or permitted taxidermist within 72 hours of entering this state if the carcass originated from out of state, or within 72 hours from the time of registration if the carcass originated from the chronic wasting disease ~~management zone~~ affected area in this state.

(b) The person submitting a carcass to a licensed meat processor or permitted taxidermist as required under this subsection shall inform the meat processor or taxidermist that the carcass originated from the chronic wasting disease ~~management zone~~ affected area or from another state, province or country where CWD has been verified to be present.

(c) Licensed meat processors and permitted taxidermists receiving a cervid carcass under this subsection shall dispose of all inedible parts not exempted under subs. (4) (a) to (i) and (6) (a) to (h), and all parts of the spinal column, brain and lymphoid tissues in a properly permitted landfill or with a renderer licensed under s. ATCP 57.10.

SECTION 31. NR 10.106 (Intro) and (1) are amended to read:

NR 10.106 **Recording deer and bear.** (1) CARCASS CONDITION AND TRANSPORTATION. Deer and bear shall be intact and may not be removed from the area specified in this section unless ~~exhibited, registered and tagged~~ the harvest has been reported in the manner required by the department and a registration tag has been affixed by the department or its agents, or the validated deer carcass tag displays the harvest registration verification number provided by the department and the number is legibly printed on the tag except that:

(a) The entrails may be removed and disposed of while afield by field dressing.

(b) Deer and bear may be skinned, and the lower legs of a deer from the hooves up to the tarsus joint on the hind legs and from the hooves up to the carpus joint on the front legs may be removed. The hide and lower legs must be removed from the field along with the deer and exhibited at the time of registration and disposed of in a manner in compliance with s. 287.81(2), Stats., after the deer or bear is registered.

(c) A deer or bear may be divided into not more than 5 parts, not including the hide and the lower legs of a deer, only to facilitate removal from the field. The head and neck shall remain attached to one of the other parts of the animal, not including the hide. A person who divides a deer or bear while afield prior to or after registration:

1. May not allow the deer or bear to be stored or transported with any other deer or bear that has been divided prior to registration or while afield.

2. May not divide any bear in a manner that does not keep one part of the bear intact to allow it to be measured in a straight line from the tip of the nose to the base of the tail, to determine it was an adult bear of 42 inches or greater.

3. Must remove all parts from the field except the entrails and ~~exhibit all parts at the time of registration~~ dispose of all parts not retained in a manner that is in compliance with s. 287.81(2), Stats.

4. Shall exhibit all parts except the entrails at the time of registration when in-person registration is required by the department.

Note: Common terms for the tarsus or second major joint on the rear legs up from the hoof include "hock" and "ankle" and common terms for the carpus or second major joint on the front legs up from the hoof include "knee" and "wrist".

SECTION 32. NR 10.106 (2) is repealed and recreated to read:

NR 10.106 (2) REGISTRATION. Each person who has killed a deer or if s. 29.324 Stats., related to group deer hunting applies, the person who has tagged the deer during the open seasons for hunting deer with a firearm, or who has killed a bear during the open seasons for hunting bear shall register that kill using a telephone, internet, or other harvest registration system established by the department as follows:

(a) Deer and bear.

1. *Time line.* Each deer or bear killed during the open season for hunting deer or bear shall be registered before being transported from the unit of kill or an adjoining unit no later than 5:00 p.m. on the day after the animal is recovered and the carcass tag is validated.

2. *Registration verification.* At the time a deer or bear is registered as required under this section, the person who tagged and registered it shall legibly print the registration verification number provided by the department or its agents on the validated carcass tag. The carcass tag shall then accompany the carcass at all times while the carcass is afield, while being transported, and when left unattended by the person who the validated carcass tag was issued to. The validated carcass tag shall be retained by the person who possesses the carcass until it is consumed.

3. *Display.* Any person who possesses or transports the carcass of a deer or bear shall display the validated carcass tag and registration verification number to the department and its wardens upon request.

4. *Research.* Any part of a harvested deer or bear may be collected or sampled by the department for research purposes prior to or during registration. No person may refuse to allow a part to be collected or a sample to be taken during registration.

5. *Transportation.* No person may possess an antlerless deer while afield outside the deer management unit or subunit of kill, except that deer that are lawfully killed, tagged and registered may be possessed on a public highway for purposes of transportation to and possession at the persons residence or a business establishment located outside the unit or subunit of kill.

(b) *Disease sampling and research.* The department may require that any deer or bear harvested in an area affected by CWD, tuberculosis, or where there are other serious infections disease threats, or area where samples are needed for department research purposes, shall be exhibited and registered at registration stations designated by the department no later than 5:00 p.m. on the third day after it was killed, or by 5:00 P.M. on the day after the close of the season during which it was killed, as described in s. NR 10.01 (3), whichever is earlier, unless otherwise authorized by the department.

(c) *Exhibition.* No person shall fail to exhibit the carcass of a deer or bear at a registration location specified by the department when required under this paragraph.

Note: Section 29.324, Stats., Group deer hunting. (1) In this section:

(a) "Contact" means visual or voice contact without the aid of any mechanical or electronic amplifying device other than a hearing aid.

(b) "Group deer hunting party" means 2 or more hunters hunting in a group all using firearms, each of whom holds an individual license to hunt deer.

(2) Any member of a group deer hunting party may kill a deer for another member of the group deer hunting party if both of the following conditions exist:

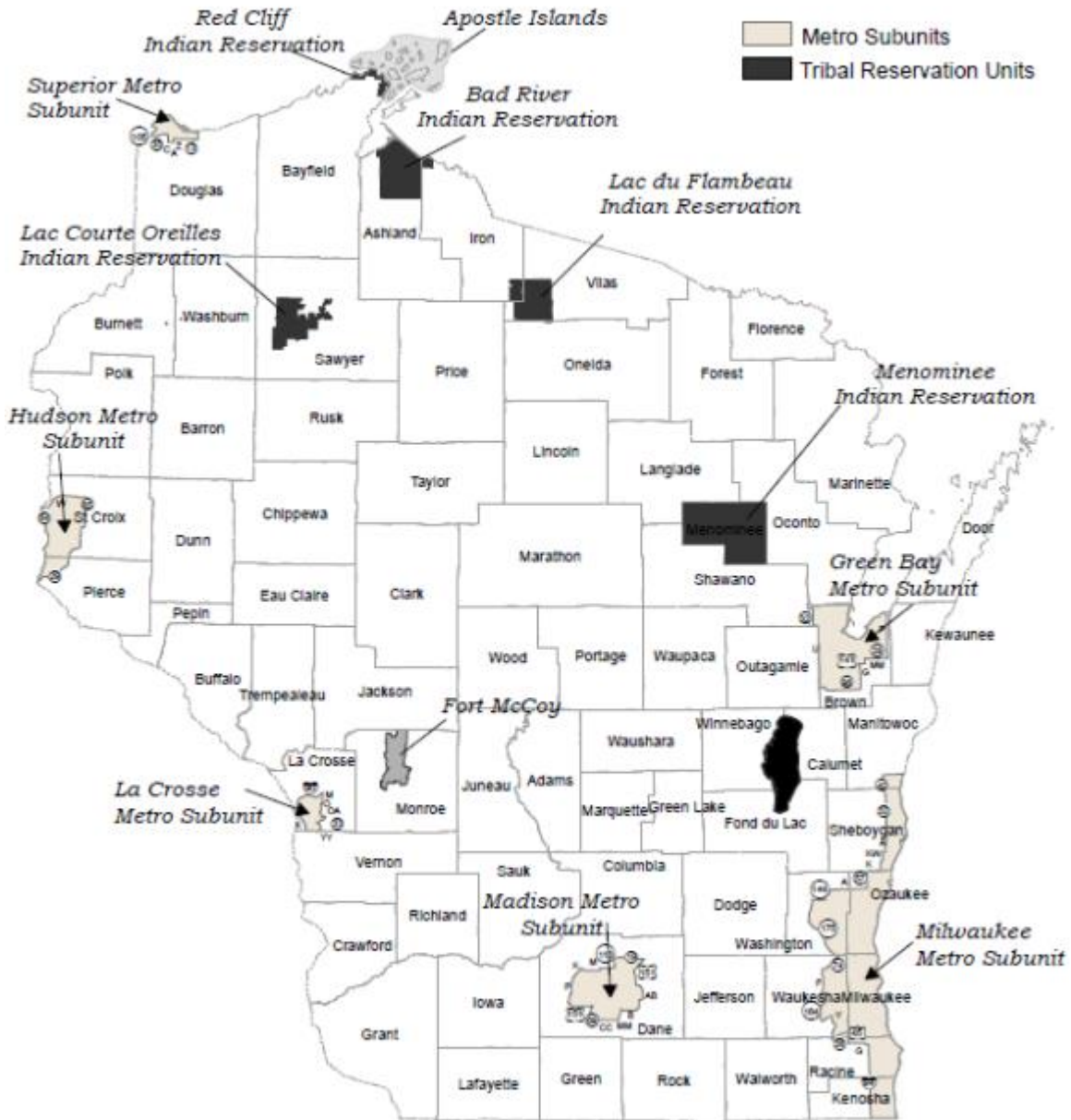
(a) At the time and place of the kill, the person who kills the deer is in contact with the person for whom the deer is killed.

(b) The person for whom the deer is killed possesses a current unused deer carcass tag which is authorized for use on the deer killed.

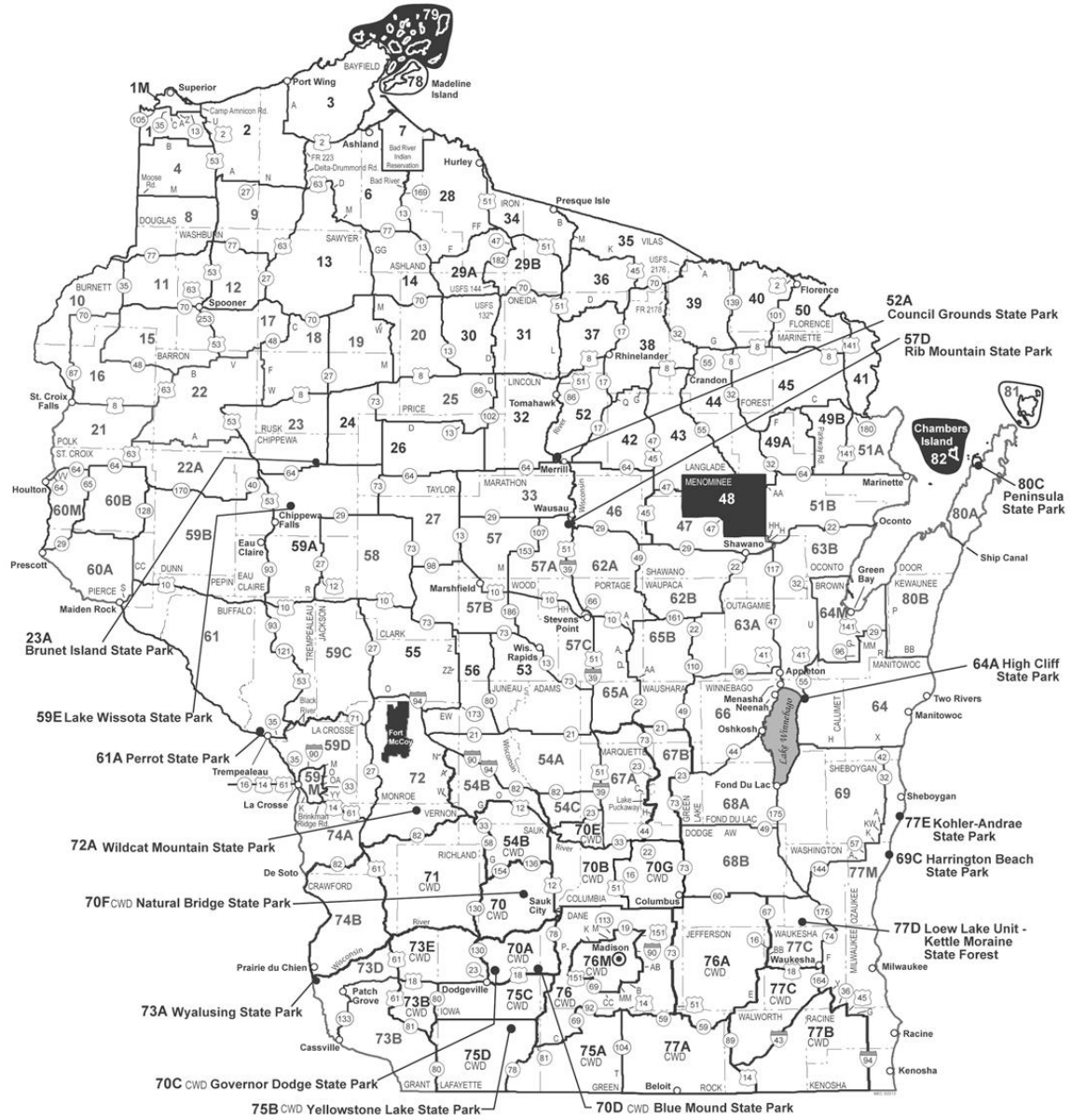
(3) A person who kills a deer under sub. (2) shall ensure that a member of his or her group deer hunting party without delay attaches a current validated deer carcass tag to the deer in the manner specified under s. 29.347 (2). The person who kills the deer may not leave the deer unattended until after it is tagged.

SECTION 33. NR 10.28 (1) and (2) are repealed and recreated to read:

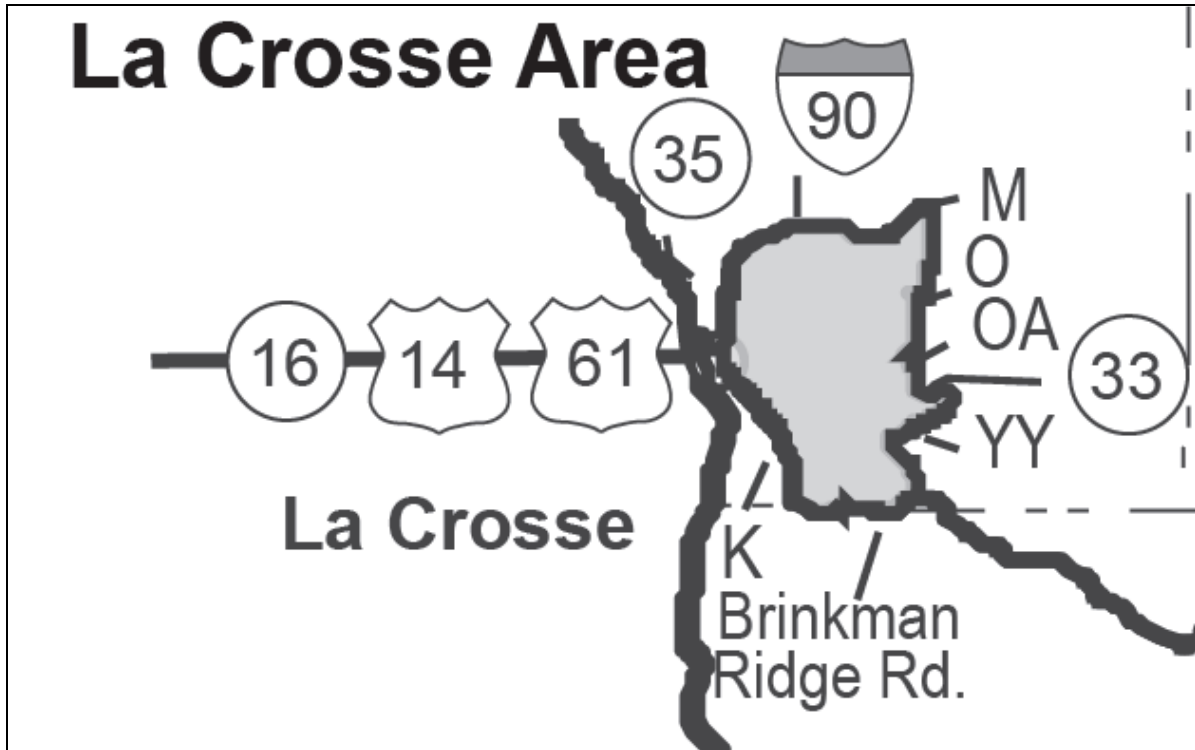
NR 10.28 **Deer population management units.** Deer population management units are established as designated on the following maps: (1) STATEWIDE DEER MANAGEMENT UNITS:



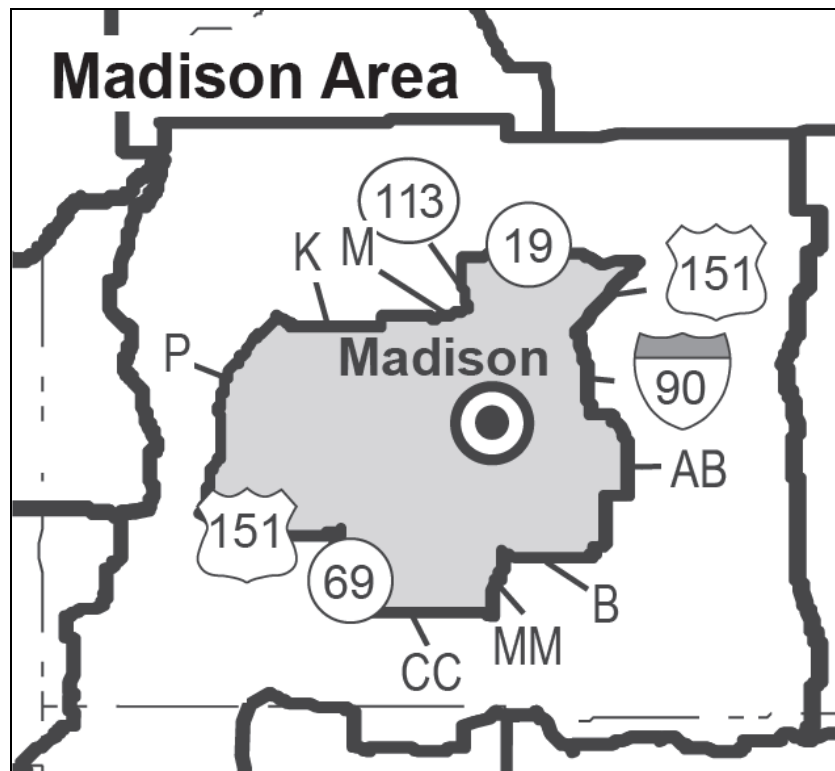
Note: The following map was in effect in 2013 and these boundaries continue to be used for other purposes not related to deer management.



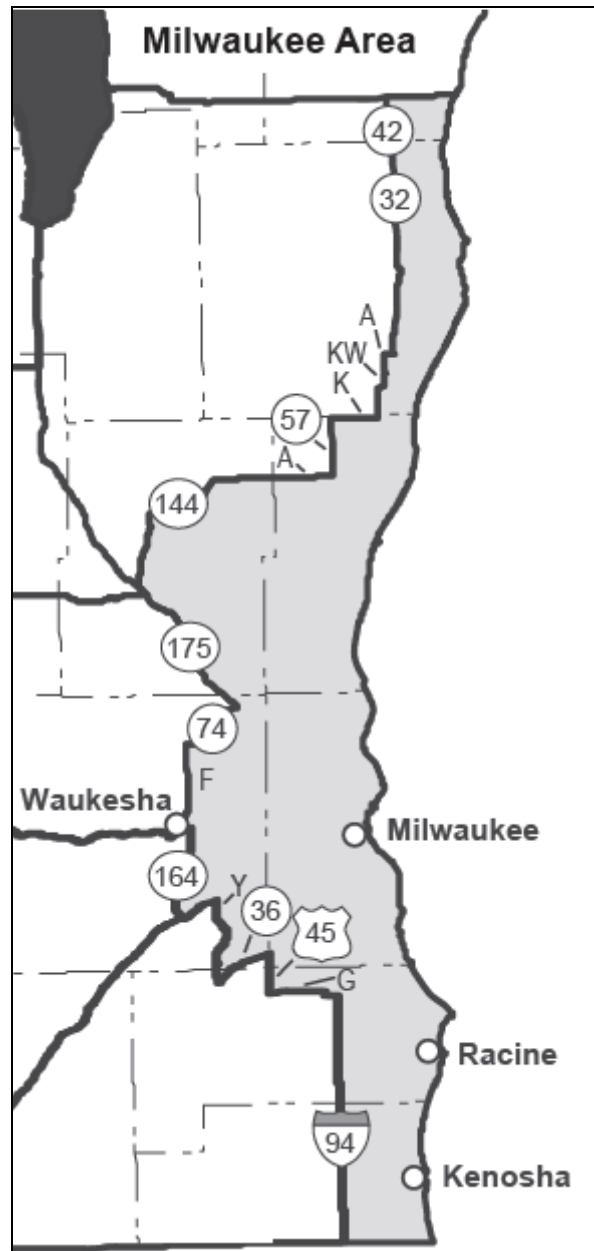
(2) METROPOLITAN DEER MANAGEMENT SUBUNITS. (a) *La Crosse area.*



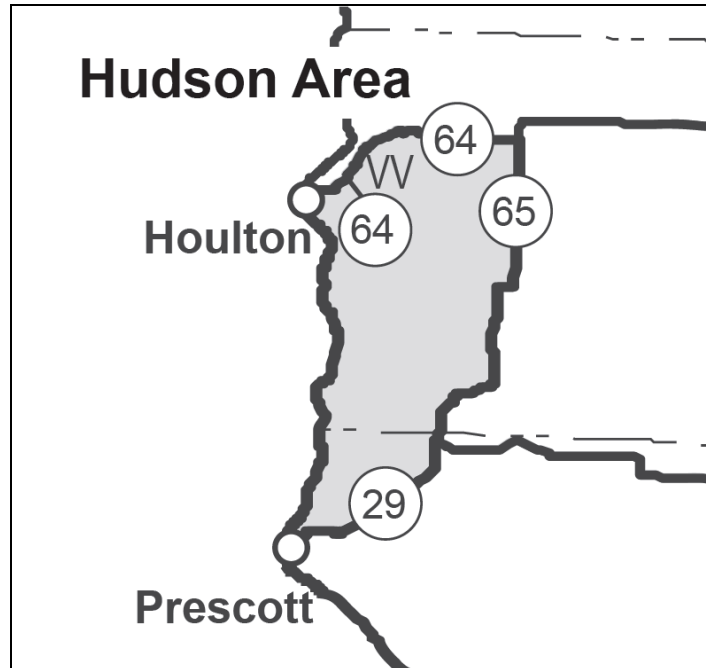
(b) *Madison area.*



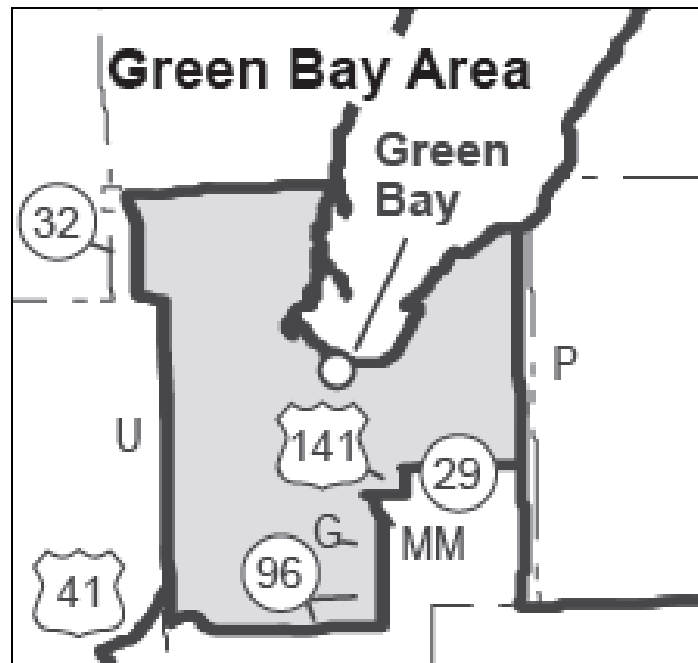
(c) *Milwaukee area.*



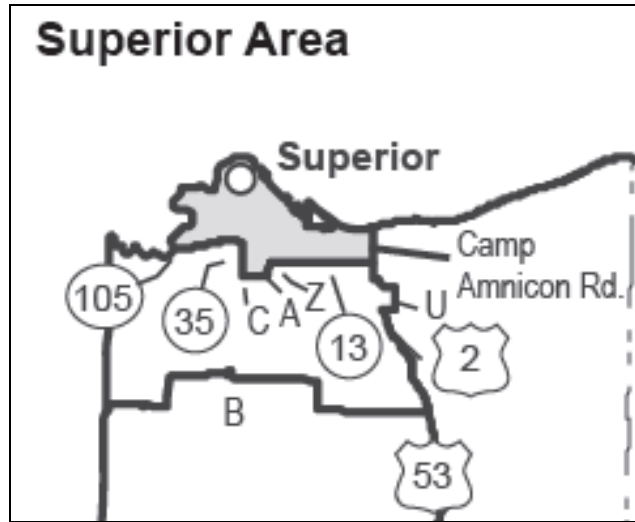
(d) *Hudson area.*



(e) *Green Bay area.*



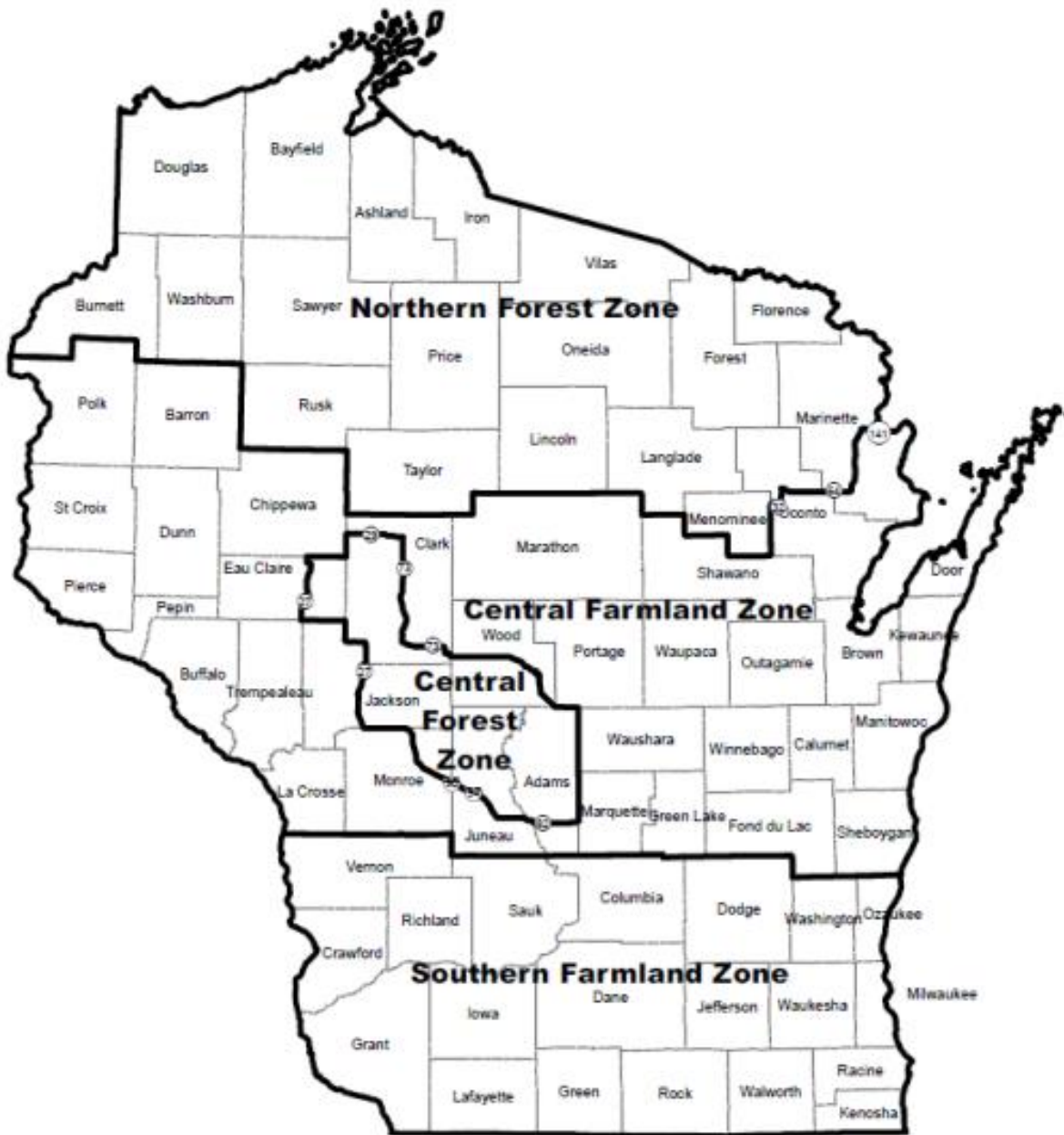
(f) *Superior area.*



SECTION 34. NR 10.28 (3) is repealed.

SECTION 35. NR 10.28 (4) is repealed and recreated to read:

10.28 (4) DEER MANAGEMENT ZONES:



SECTION 36. NR 10.41 is repealed and recreated:

NR 10.41 Wildlife disease management:

(1) PURPOSE.

(a) Pursuant to s. 29.063 (1), Stats., the natural resources board establishes this section to provide guidelines for the department to manage chronic disease in wild cervids in this state.

(2) STATE PARKS AND OTHER CLOSED AREAS. State parks, refuges and closed areas identified in chs. NR 11, 15 and 45 may be opened to deer hunting to assist in the control of CWD.

(3) CWD AFFECTED AREA.

(a) *Establishment.* The department may establish a CWD affected area around the location of known positive cases of CWD.

(b) *Population objectives.* Entire counties, or portions of counties, located within the boundaries of a CWD affected area shall be managed towards a population objective established after seeking comment from county deer management advisory committees under ss. NR 10.104 (5).

(c) *CWD affected area.* The CWD affected area consists of the counties identified on the department's website after following the procedures established in par. (f).

(d) *Population monitoring.* The department shall monitor deer populations in a CWD affected area with information obtained by surveys which may include registration data and aerial surveys.

(e) *Tags.* Pursuant to s. NR 12.06, the department may issue free deer hunting permits or tags to hunters or landowners, lessees, occupants or their duly authorized agents of a single parcel of land at least 5 acres in size, all within the CWD affected area, which authorizes the individual to hunt deer in the CWD affected area or a portion of the area.

(f) *Expansion of the affected area.*

1. The department may include additional counties or portions of counties in the CWD affected area where and when additional CWD positive deer are found. The department may add adjacent counties or portions of counties if they are within a 10-mile radius of the known location of a captive or free-roaming domestic or wild animal that has been tested and confirmed to be positive for chronic wasting disease.

2. Affected area expansion under this subsection shall become effective upon issuance of an order by the secretary of the department and publication in the official state newspaper. In addition, a notice of the order shall be provided to newspapers, legislators and hunting license outlets in the area affected.

SECTION 37. Subchapter II is created to read:

SUBCHAPTER II
DEER MANAGEMENT ASSISTANCE PROGRAM

NR 10.70 Purpose. This subchapter is adopted to implement the deer management assistance program under s. 29.020 Stats. The program is established to help landowners to achieve deer management objectives at a localized level and collect biological data that supplements statewide data, and to build relationships between landowners, hunters, and the department.

NR 10.71 Definitions.

(a) "Cooperative" means an association of individual property owners or their representatives who are not organized as a business entity but are organized for the purposes of managing deer and other wildlife resources and whose members have agreed to participate in the deer management assistance program under this subchapter.

(b) "Medium to large" property means a property of 640 acres or larger.

(c) "Small to medium" property means a property of at least 160 but smaller than 640 acres.

NR 10.72 DEER MANAGEMENT ASSISTANCE PROGRAM LEVELS. (1) *Level 1*. The first level for participation in the deer management assistance program is designed to increase communication with landowners and hunters. The department shall provide the following to Level 1 participants:

- (a) Deer management assistance program educational resources.
- (b) Opportunities for assistance of department employees including wildlife biologists and foresters.
- (c) Annual program reports.
- (d) An opportunity to attend annual workshops organized by the department or its partners.
- (e) Assistance with individual projects that have scientific value.
- (f) Information on forming program cooperatives.

(2) *Level 2*. The second level for participation in the deer management assistance program is for small to medium properties with basic management goals.

(a). A property owner or cooperative of owners or their representatives shall apply to the department for Level 2 participation in the deer management assistance program. The department may require that participants provide harvest reports and attendance at an annual meeting or workshop sponsored by the department or its partners.

(b). The department shall provide the following to Level 2 participants who provide the information required in subd. 1:

1. One on-site consultation visit by a wildlife biologist and a forester.
2. A management plan with habitat and harvest recommendations developed individually for the enrolled property or cooperative.
3. Antlerless tags established under NR 10.104 (9m).
4. Property specific harvest reports.

(3) *Level 3*. The third level for participation in the deer management assistance program is for medium to large properties with complex management goals.

(a). A property owner or cooperative of owners or their representatives shall apply to the department for Level 3 participation in the deer management assistance program. The department may require that participants provide harvest reports and attendance at an annual meeting or workshop sponsored by the department or its partners.

(b). The department shall provide the services established in sub. (2) to Level 3 participants who provide the information required under that par. Additionally, the department shall provide:

1. Assistance with deer population monitoring.
2. Habitat evaluations.
3. Assistance with enrollment for participation in other conservation programs.
4. Technical assistance and design for habitat and property management activities.
5. Additional site visits that may be needed and detailed management recommendations.

(4) *Public land*. The department may cooperate with the managers of national, state, county, or municipally owned land for which public access is available through the deer management assistance program.

(a) The program coordinator, biologist, and forester shall work together with public land managers and hunters to enroll properties.

(b) Local public input sessions shall be used to identify site-specific management concerns and to set antlerless harvest quotas. Property specific antlerless tags established under NR 10.104 shall be issued to harvest antlerless deer on enrolled public properties.

(c) The program coordinator, biologist, forester, and local property manager shall work together to promote wildlife habitat improvement projects on properties where quality habitat is limited.

NR 10.73 FEES. Enrollment in the deer management assistance program is for a period of not less than three years beginning on the date that a valid application is accepted and ending on a date specified by the department. The department may waive the fee for participation by governmental organizations or owners of other lands that the department determines are open to the public for hunting. The fees for participation in the deer management assistance program are as follows:

- Level 2 \$75.00
- Level 3 \$150.00

SECTION 38. NR 12.06 (1), (2) and (4) are amended to read:

NR 12.06 CWD ~~management zone~~ affected area deer removal permits.

(1) FINDINGS. Pursuant to s. 29.885 (4), Stats., the natural resources board finds that deer within any CWD ~~management zone~~ affected area cause a nuisance and that the shooting of deer with nuisance permits is necessary within any CWD management zone defined in s. NR 10.001 (6p) in order to reduce the spread of disease within the CWD management zone and to reduce the risk of disease spreading outside any CWD management zone.

(2) PERMITS. Unless otherwise authorized by the department, landowners, lessees, occupants or their duly authorized agents of a single parcel of land at least 5 acres in size, all within the CWD ~~management zone~~ affected area may, under a department issued permit, remove deer from lands under their ownership or control in accordance with this section. Both antlerless and buck deer may be harvested unless otherwise restricted as a condition of the permit.

(4) LICENSES, STAMPS AND PERMITS.

(a) The permittee and participants are not required to possess the appropriate state hunting license or backtag for deer, unless otherwise required as a condition of the permit.

(b) Antlerless deer harvested under the authority of this section may be used as authority to harvest ~~a an additional~~ buck deer pursuant to s. NR 10.104 (9r) during the seasons listed in s. NR 10.01 (3) ~~(et)~~ within the CWD ~~management zone when designated~~ earn a buck under s. NR 10.01 (3) (et) 2 affected area.

SECTION 39. NR 12.16 (4) is amended to read:

NR 12.16 (4) EFFECTIVE DATES. Authorization to kill deer commences the date of permit receipt by the permittee and continues through the open season for the appropriate zone described in s. NR 10.01 (3) (e) and (em), ~~except that no deer may be killed during the 24 hour period prior to the November firearm deer season in the area of the state outside of the CWD management zone in s. NR 10.28 (3).~~

SECTION 40. NR 13.38 (2) (b) and (Note) are amended to read:

NR 13.38 (2) (b) Maximum antlerless deer harvest limit. The maximum tribal harvest limit in forest zones established in NR 10.28 (4) shall be calculated according to the following formula:

The management unit deer harvest quota as calculated under ~~s. NR 10.103 (7) x 50%~~ s. NR 10.104 (7) x 50%.

Note: There is no s. NR 10.103 (7).

SECTION 41. NR 19.60 (2) (b) 1. is amended to read:

NR 19.60 (2) (b) 1. A CWD ~~management zone~~ affected area has been established in the county or a portion of the county, or

SECTION 42. NR 45.09 (9) is repealed.

SECTION 43. EFFECTIVE DATE. These rules will be effective upon publication in the Wisconsin state paper pursuant to s. 227.24(1)(c).

SECTION 44. STATEMENT OF EMERGENCY. A non-statutory provision, SECTION 9132 of 2013 ACT 20, establishes that the department may promulgate rules to implement the 2012 final deer management report and that the department is not required to make a finding of emergency.

SECTION 45. BOARD ADOPTION. This rule was approved and adopted by the State of Wisconsin Natural Resources Board on January 22, 2014.

Dated at Madison, Wisconsin _____
STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By _____
Cathy Stepp, Secretary

(SEAL)

Regulatory Flexibility Analysis for Natural Resources Board Order No. WM-24-13(E)

These rules, and the Legislation which grants the department rule making authority, do not have a fiscal effect on the private sector or small businesses. These rules are applicable to individual sportspersons and impose no compliance or reporting requirements for small business, nor are any design or operational standards contained in the rule. Therefore, under s. 227.19 (em) Stats., a final regulatory flexibility analysis is not required.